

Safeguarding Sunshine

A Report from the New Mexico Inspection of Public Records Act Task Force

October 2026

IPRA Task Force Members

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Legislative Sponsors

Representative Cathrynn N. Brown, who, with co-sponsors Senator Natalie Figueroa and Representative Matthew McQueen, led House Joint Memorial 2 ("HJM 2") through the New Mexico Legislature ("Legislature"). HJM 2 passed both the state House of Representatives and Senate unanimously,[1] and the Task Force thanks the Legislature for recognizing the importance of IPRA for New Mexico.

Public Participants & Commenters

The individuals who showed up to Task Force meetings; shared their experiences, expertise, and suggestions during these meetings and through written comments; and otherwise engaged with the work of the Task Force. The knowledge and information imparted to Task Force members is incredibly valuable and deeply appreciated, and the Task Force hopes that this report can serve as a conduit for transmission of these critical perspectives to the Legislature.

Host Venues

The centers, educational institutions, and governmental spaces that hosted the Task Force over the past several months:

- University of New Mexico
- Clovis Civic Center
- Eastern New Mexico University
- Pecos River Village Conference Center
- Otero County Administration Building
- New Mexico State University
- Grant County Veterans Memorial Conference Center
- McKinley County Courthouse
- Farmington Civic Center
- Luna Community College
- Santa Fe Community College
- Central New Mexico Community College

Task Force Members & Proxies

Lastly, but certainly not least, the members of the IPRA Task Force for the writing and research they contributed to this report, the time they dedicated to the work of the Task Force, and the conversations they generated on the purpose and implementation of IPRA. Thank you also to the designated proxies who attended

[1] "2026 Regular Session – HJM 2," New Mexico Legislature, New Mexico Legislature, accessed October 15, 2026, https://www.nmlegis.gov/Legislation/Legislation?Chamber=H&LegType=JM&LegNo=2&year=26.

one or more meetings in members' stead: Christine Barber, New Mexico Foundation for Open Government; Walker Boyd, Joy Esparsen, Joseph Sawyer, and Ben Young, New Mexico Association of Counties; and María Martínez Sánchez and Daniel Williams, American Civil Liberties Union of New Mexico.



AI Use Statement

Generative artificial intelligence ("Gen-AI") tools were used to support background research, external citations, and technical elements included in this report. Specifically, Anthropic's Claude was used to create the Task Force's Stakeholder Outreach Plan (or Work Plan); to compile research materials on state open records laws and rules; to assist with code development for the ingestion and processing of public comments; to edit report appendices; to help build appropriate external citations; and to develop code for typesetting in LaTeX. Google Gemini was used to design the report cover. YouTube's Automatic Caption and Microsoft Teams's transcription features were used to generate meeting transcripts. All Gen-AI content was reviewed by staff prior to report publication.

Staff's drafting of the main body of the final report was done by hand. Task Force members wrote portions of the Approved and Considered Recommendations Chapters and may have used Gen-AI at their discretion.

IPRA TASK FORCE REPORT

Executive Summary

Executive Summary

Introduction

New Mexico's Inspection of Public Records Act ("IPRA" or "the Act")[2] is one of two[3] fundamental governmental transparency laws in the state. Dating back to 1947[4] and substantially revised in 1993, the Act statutorily affirms the right of "all persons… to the greatest possible information" about their government.[5] The New Mexico Legislature ("Legislature") additionally declared in IPRA that "to provide persons with such information is an essential function of a representative government and an integral part of [its] routine duties."[6] IPRA makes clear that, to encourage the sound and just exercise of democracy, the public must have an expansive role in reviewing the processes and internal products of their governments. With its listing of exempt materials,[7] the Act attempts to balance this keystone access against the government's possession of sensitive, personal records and an individual's right to privacy.

Within the past several years, amendments to IPRA have focused on adding targeted restrictions to the release of certain records pertaining to the medical provision of abortion (2025),[8] the Office of the Child Advocate (2025),[9] law enforcement (2023),[10] physical and digital infrastructure (2023),[11] personal identifier information (2019),[12] and trade secrets (2018).[13, 14] Other recent, proposed bills to alter statutory timelines of request responses, to charge fees,[15] to regulate commercial requests,[16] and to expand exemptions[17] have failed. The Act in structure and enforcement has otherwise remained relatively static amidst changes in records management technology, the digital production of records, and artificial intelligence.

During the 2026 Legislative Session, the Legislature unanimously passed House Joint Memorial 2 ("HJM 2") as part of its efforts "to evaluate [IPRA] to identify and implement improvements."[18] HJM 2—as led by Representative Cathrynn N. Brown and co-sponsored by Senator Natalie Figueroa and Representative Matthew McQueen—requested that the New Mexico Department of Justice ("NMDOJ" or "the Department") "convene

[2] See N.M. Stat. Ann. §§ 14-2-1 to -12 (2025).
[3] The other being the state's Open Meetings Act (N.M. Stat. Ann. §§ 10-15-1 to -4 (2013)).
[4] See N.M. Stat. Ann. § 14-2-1 (2025).
[5] This specific statutory language was adopted in 1993 (N.M. Stat. Ann. § 14-2-5 (1993)). IPRA has since been amended multiple times, as discussed, in part, in the following paragraph.
[6] N.M. Stat. Ann. § 14-2-5 (1993).
[7] N.M. Stat. Ann. §§ 14-2-1 to -1.2 (2025).
[8] N.M. Stat. Ann. § 14-2-1(L) (2025).
[9] N.M. Stat. Ann. § 14-2-1(M) (2025).
[10] N.M. Stat. Ann. § 14-2-1.2 (2023).
[11] N.M. Stat. Ann. §§ 14-2-1 and -6 (2025).
[12] N.M. Stat. Ann. § 14-2-1.1 (2019).
[13] N.M. Stat. Ann. § 14-2-6(I) (2023).
[14] Other bills passed by the Legislature, such as Senate Bill 40 in 2026 (S.B. 40, 57th Leg., 2nd Sess. (N.M. 2026), https://www.nmlegis.gov/Sessions/26%20Regular/final/SB0040.pdf.) and House Bill 47 in 2021 (H.B. 47, 55th Leg., 1st Sess. (N.M. 2021), https://www.nmlegis.gov/Sessions/21%20Regular/final/HB0047.pdf), have exempted specific materials from IPRA but have not amended the Act itself.
[15] H.B. 497, 57th Leg., 1st Sess. (N.M. 2025), https://www.nmlegis.gov/Sessions/25%20Regular/bills/house/HB0497.pdf.
[16] H.B. 283, 57th Leg., 1st Sess. (N.M. 2025), https://www.nmlegis.gov/Sessions/25%20Regular/bills/house/HB0283.pdf.
[17] H.B. 91, 57th Leg., 2nd Sess. (N.M. 2026), https://www.nmlegis.gov/Sessions/26%20Regular/bills/house/HB0091.pdf.
[18] H.J.M. 2, 57th Leg., 2nd Sess. (N.M. 2026), https://www.nmlegis.gov/Legislation/Legislation?Chamber=H&LegType=JM&LegNo=2&year=26.

a task force" and "evaluate that act's workability and effectiveness in ensuring government transparency and serving the public interest."[19] The makeup of this IPRA Task Force ("Task Force") (see Table 1) and the Legislature's request for public and governmental input (see Table 2) point to a desire to balance the competing transparency and privacy concerns of IPRA in the Task Force's work.

> *[P]roviding access to public records promotes transparency in the operations of government and the conduct of public officials and employees and enables members of the public to hold government actors accountable*
>
> HJM 2

Table 1: IPRA Task Force Members

MEMBER	ROLE
Michael Eshleman	Organizational Representative for the New Mexico Association of Counties
Rebecca Martinez	Organizational Representative for the New Mexico Municipal League
Belinda Mills	Organizational Representative for the New Mexico Press Association
Adolfo Méndez	Organizational Representative for the New Mexico Department of Justice (April–July)
Lalita Moskowitz	Organizational Representative for the American Civil Liberties Union of New Mexico
Kenneth Stalter	Attorney General-appointed Individual Representative, plaintiff's attorney
Ethan Watson	Attorney General-appointed Individual Representative, defense attorney
Greg Williams	Organizational Representative for the New Mexico Foundation for Open Government
Madeleine Zaritsky	Organizational Representative for the New Mexico Department of Justice (August–October)

Table 2: Stakeholders Enumerated in House Joint Memorial 2

STAKEHOLDER
Public schools and public school districts
Institutions of higher education
The judicial branch of government, including district attorneys and public defenders and their records custodians
Broadcast journalists
Other interested and affected parties

The Task Force has worked under the direction of HJM 2 to collect and synthesize public comment,[20] compile research on open records laws from across the country,[21] and incorporate expertise and writing from Task

[19] H.J.M. 2, 57th Leg., 2nd Sess.

[20] Public comments are hyperlinked in footnotes throughout this report in an effort to cite directly when claims are made about said comments. Comments were individually analyzed and linked by hand, and their inclusion in a specific footnote represents a subjective determination about their association to a claim. Not all relevant comments are included for all claims, and vice versa; not all comments are linked in footnotes. To access the full breadth and meaning of a comment, one should refer directly to the words of the commenter by clicking on the included link or by going to Appendix C.

[21] Discussions about and references to another state's statute, rule, or judicial ruling were based off of an isolated review of the statute, rule, or ruling. They do not include formal or comprehensive analyses of associated interpretations or implementations within the relevant state.

Force members into recommendations and a final report. As part of this work, the Task Force held eleven public listening meetings in Clovis, Roswell, Carlsbad, Alamogordo, Las Cruces, Silver City, Gallup, Farmington, Las Vegas, Santa Fe, and Albuquerque, and recorded a total of 179[22] spoken and written comments over the course of these and other meetings. 132 physical and digital written comments were also sent in to the Task Force outside of its meetings. These 311[23] public comments, submitted by 207 identified individuals, were roughly divided between governmental commenters[24] (158) and non-governmental commenters[25] (152),[26] and spanned an enormous range of topics regarding the lived realities of IPRA.[27]

The Task Force additionally held eight deliberative meetings to discuss the body's work plan, subject matter foci for public listening meetings, Task Force recommendations, and the final report. Members also split into three Task Force subcommittees[28] to engage more robustly with issues identified by the public and Task Force members. Subcommittees were tasked with drawing from public comments, external research, and members' expertise to present recommendations to the full Task Force and to compose sections of the final report. Because of this structured collaboration, the Task Force's recommendations and final report are truly collaborative endeavors sourced from various perspectives and areas of knowledge.[29]

Members of the public, governmental commenters, and Task Force members all recognized the importance of the Act when sharing comment or engaging in discussion. However, many voiced the belief that IPRA, as now implemented, is not providing the governmental transparency or the privacy protections as statutorily intended. Numerous examples of alleged violations were presented to the Task Force, ranging from an incorrect determination of no responsive records[30] to errors in video redaction.[31] Similarly troubling were examples of the Act being deployed within the confines of the law but to the detriment of individual requestors, such as through repeated final production extensions.[32] Concerns expressed by both records requestors and custodians demonstrate that the law, its implementation, or both are falling short of their promise.

Content Provided in the Report

This report, co-authored by Task Force members and volunteer staff, contains the following, overarching six sections: the Executive Summary; the Approved Recommendations and Considered Recommendations,

[22] The Task Force's June 22, 2026, meeting recording unfortunately began after the start of public comment, and this number therefore does not reflect the full extent of comments received by the Task Force. Because these comments were not recorded, staff were unable to include said remarks in comment analyses or categorizations.

[23] This number does not include comments submitted by the same person with identical or nearly identical language (i.e., duplicates). Following the Task Force's submission of its final letter on October 1, 2026, another duplicate was identified, reducing the count by one relative to the count provided in said letter.

[24] Throughout this report, the term "governmental commenter" generally refers to any employee, member, or affiliate of a public body or entity. This is a broad designation that includes individuals from judicial bodies, law enforcement, education, and other public institutions (see Appendix B for more information on the classification of public comments).

[25] In this report, the term "non-governmental commenters" generally refers to those who discussed the requesting or receipt of records (see Appendix B for more information on the classification of public comments). "Members of the public" may also be used to refer to non-governmental commenters within Approved and Considered Recommendations Chapters.

[26] One comment could not be confidently classified and was recorded as "Undetermined."

[27] See Appendix B for a detailed analysis of received public comments.

[28] Subcommittees are referenced throughout this report as Subcommittees 1, 2, and 3. Subcommittee 1 focused on records storage, management, and retention, and was composed of Mr. Watson and Mr. Williams. Subcommittee 2 focused on the receipt of and response to records requests, and was composed of Mr. Eshleman, Ms. Mills, and Ms. Moskowitz. Subcommittee 3 focused on IPRA enforcement and delayed production, and was composed of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. More information about these three subcommittees can be found in Appendix A.

[29] See Appendix A for a detailed scope of work and activity summary.

[30] See 111.

[31] See 194.

[32] See 212.

which include clarifying positions, research, and discussions; Appendix A, which provides a scope of work and activity summary; Appendix B, which offers an analysis of public comments; Appendix C, which lists public comments received during Task Force meetings, through the Task Force comment submission portal, and from the IPRATaskForce@nmdoj.gov email; and Appendix D, which includes public comments provided to the Task Force as separate attachments. Materials that were sent to the Task Force as supporting documents are linked within the relevant appendix.

Before proceeding with an overview of the Task Force's recommendations, Task Force members wanted to reaffirm the key role that IPRA plays in accessible and accountable government. Many individuals submitted comments to the Task Force to express their support for a strong open records law oriented towards public access.[33] Some also voiced opposition to recommendations that would weaken the Act or add barriers for the public.[34] As the Legislature considers Task Force recommendations along with other amendments to IPRA or changes to its implementation, the Task Force urges them to center the public's right to know about the inner workings of their government.

Approved Recommendations

The Task Force, with opposing and abstaining members noted, presents the following recommendations to the Legislature:

1. Data: Implement, via statutory amendment or regulation, standardized, statewide reporting of public records/IPRA program data to a single location, potentially subject to a reporting threshold.

   Seven members in favor with Ms. Martinez, New Mexico Municipal League Task Force appointee, opposed.

2. Paper Records: Increase funding for digitization and enterprise content management platforms, with potential alignment to priorities such as digitizing large-format building plans.

   All members in favor.

3. Proactive Publication and Potential Creation of Portal for Traffic Accident Reports: Identify record classes that could be published proactively without redaction concerns and separately pursue a public-facing portal allowing members of the public to obtain their own traffic accident reports.

   All members in favor.

4. IPRA Program Technology: Establish a grant program to help public bodies purchase management and redaction software for public records requests.

   Seven members in favor with Mr. Stalter not voting.

[33] See 059, 060, 066, 068, 074, 079, 081, 082, 094, 097, 102, 103, 106, 110, 111, 112, 119, 128, 132, 143, 144, 148, 154, 156, 159, 177, 188, 193, 195, 196, 198, 217, 218, 229, 234, 245, 250, 253, 258, 270, 274, 276, 281.

[34] See 059, 060, 066, 082, 094, 095, 097, 148, 218, 224, 225, 229, 231, 267, 268, 276, 281.

5 Training: Expand the amount and content of IPRA training, informed by a deeper review of records custodians' needs and the NMDOJ's training budget.

Seven members in favor with Mr. Walker Boyd (proxy for Mr. Eshleman, New Mexico Association of Counties Task Force appointee) opposed.

6 Credentialing: Create and fund a credentialing program in public records generally or in specific areas of IPRA, whether through a state agency or in partnership with a New Mexico university.

Seven members in favor with Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

7 The Task Force recommends that the New Mexico Legislature adopt a statutory scheme to require out-of-state requests for body camera footage to pay a rate for review of body camera footage that reflects the actual cost of review and redaction. Any residency or requestor classification should also account for victims' rights, indigency, those who are unhoused, legitimate newsgathering, and other circumstances in which an out-of-state requestor has a legitimate interest in New Mexico public records. If the law allows for such fees, it should require that any fees collected under these provisions be dedicated to increasing resources for IPRA compliance and proactive transparency, including staffing, technology, training and redaction capabilities.

Six members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed, and Mr. Eshleman, New Mexico Association of Counties Task Force appointee, abstaining.

8 Protection of Children and Other Victims: The Task Force recommends a coordinated review of the Children's Code, victims' rights statutes, and IPRA-related confidentiality provisions to strengthen and clarify protections for children and vulnerable victims. The review should include CYFD, children's advocacy organizations, victims' advocates, law enforcement entities including the New Mexico Department of Justice, criminal defense attorneys, transparency advocates, and other affected parties. Particular attention should be given to whether confidentiality protections should follow sensitive records when those records are transferred to or held by law enforcement, district attorneys or other public bodies. The review should also consider expanding protection of identifying information for juvenile victims and witnesses and victims of additional serious offenses, while preserving appropriate access for attorneys, courts and authorized parties. Any changes should protect sensitive victim information without creating overly broad exemptions that unnecessarily hinder public oversight of government.

Seven members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed.

9 The Task Force recommends that the Legislature establish a duty to respond wherein a requestor must respond to a custodian's good-faith request for payment of fees authorized under IPRA within a specified timeline, or the request may be closed.

All members in favor.

10 The Task Force recommends that the Legislature consider articulating a non-exclusive set of factors

for courts to consider when awarding statutory per-diem penalties under Section 14-2-11 and when determining whether a denial is unreasonable.

Five members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed, and Ms. Mills, New Mexico Press Association Task Force appointee, abstaining.

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11 The Legislature should consider establishing an entity, such as an IPRA Ombudsman or similar Office, to provide assistance to records requestors and custodians alike through educational materials, trainings, and immediate advice (e.g., via a hotline). This ombudsman entity may act as an alternate pathway to resolve disputes aside from litigation through the issuance of non-binding advisory opinions and informal mediation. Additionally, the entity may have the power to collect data on governmental entities' IPRA implementation and regularly submit such data to the Legislature.

Six members in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed.

Members were given the opportunity[35] to include clarifying positions to accompany the recommendations voted upon by the Task Force. Submitted positions are placed below approved recommendations at the beginning of each report chapter.

Additionally, the Task Force voted on but did not approve the following recommendations:

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1 The Task Force recommends that the Legislature provide guidance allowing public bodies to use multi-track processing or sequencing when managing multiple or voluminous requests. A requester should have an opportunity to narrow the scope of a request to qualify for faster processing. When the same requester has broad or burdensome requests pending, the custodian should also be able to ask the requester which request should be prioritized or process qualifying requests sequentially. Sequencing should govern the order in which the requests are processed, not whether the requester ultimately receives the records. Reasonable production requirements should remain in place to prevent sequencing from becoming an indefinite delay. None of these recommendations are prohibited under the current law but are made at the request of custodians who would appreciate more explicit permission and guidance.

Four members in favor with Mr. Stalter, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, and Chair Zaritsky, New Mexico Department of Justice Task Force appointee, opposed.

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2 A 'cure process' should be established within the Inspection of Public Records Act, wherein, after a request is denied or closed, and after a following, specified time period during which a public body is notified of any objection to the denial or closure and has a following, specified time period to respond, a public body may be subject to enforcement. Under this framework, the custodian must notify the requestor of the existence of this process and the associated timelines (for example, in the closing or denial communication, and/or accompanying other required publication under IPRA, such as record custodian contact information). If they do not, this process is not required and the requestor may move directly to enforcement. This process does not apply to circumstances in which a request is deemed

[35] Task Force members expressed the desire to include clarifying positions not only on recommendations they voted against or from which they abstained, but also on recommendations for which they voted affirmatively. In the spirit of empowering all members to share their perspectives on IPRA and associated topics, the Task Force agreed to incorporate these positions into the final report.

denied under Section 14-2-10 because a custodian has determined the written request is excessively burdensome or broad.

Four members in favor with Mr. Stalter, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed, and Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

3 The Task Force recommends amending IPRA to establish a clearer, objective standard for determining when a request is broad or burdensome. The standard should provide guidance that allows requestors to understand which requests might be deemed to need more time, such as those seeking many hours of video footage or thousands of pages of documents, and to custodians who need to determine whether their request for more time will be seen as reasonable by a reviewing court.

Four members in favor with Mr. Watson, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Stalter opposed, and Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

4 A statute of limitations should be established within the Inspection of Public Records Act with specific 'triggering' dates for the various scenarios under IPRA (e.g., denial, closing, redaction and/or withholding determinations, and unfulfilled).

Four members in favor with Ms. Mills, New Mexico Press Association Task Force appointee, Mr. Stalter, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed.

Areas for Future Study & Engagement

Task Force members wished to place the contents of this report in relation to several caveats, the first of which was the relatively scarce quantitative data available to the Task Force. The City of Albuquerque has published quarterly analyses of received IPRA requests,[36] and the New Mexico Municipal League released a 2024 report that included data on the number, type, and origin of IPRA requests sent to local governments.[37] Additionally, governmental commenters shared data from their own jurisdictions or entities,[38] and one member of the public submitted an article they authored with data collected from tens of New Mexican agencies.[39] Though the Task Force was appreciative of these materials, members noted the lack of systematic, statewide, regularly-published data on public records requests and the resulting difficulty in proposing meaningful solutions. Routine and standardized compilations of data about public records requests would assist New Mexico broadly in assessing the current and future challenges facing public entities.[40]

Members also expressed a desire to have heard from more subject matter experts on the various topics considered by the Task Force. These experts could have shared knowledge on open records laws in other states—

[36] Their most recent publication at the time of this writing is the "Second and Third Quarters IPRA Report: FY 26: Office of the City Clerk" (Cristobal Rocha, *Second and Third Quarters IPRA Report: FY 26: Office of the City Clerk* (City of Albuquerque, 2026), https://www.cabq.gov/clerk/documents/fy26-secondthird-quarter-ipra-backlog-report_.pdf).

[37] New Mexico Municipal League, *IPRA in Action: Evaluating Impacts of New Mexico's Inspection of Public Records Act on Local Governments* (NMML, 2024), https://www.nmml.org/DocumentCenter/View/1291/IPRA-in-Action-Evaluating-Impacts-of-New-Mexicos-IPRA-Laws-on-Local-Governments.

[38] See 004, 011, 016, 021, 022, 039, 042, 044, 058, 061, 172, 177, 178, 185, 186, 201, 273, 295, 301.

[39] See 009.

[40] See Chapter I for more detailed discussion on data collection.

including whether other states were grappling with similar issues and what solutions had been proposed or implemented—and potential best practices for encouraging public access. It is recommended that, if the Legislature plans to advance IPRA legislation, it solicit feedback from subject matter experts who can situate the Act and any proposed modifications alongside real-world examples of other states' open records laws and work.

Another critical caveat is that the Task Force was unable to address all issues and suggestions presented by public commenters in its recommendations. Several common themes presented in public comments but not covered in approved or considered recommendations read as follows:

1) IPRA's applicability across governmentally-created or -appointed entities (e.g., special masters, disciplinary boards, executive councils)[41];
2) Compliance with records retention and destruction schedules[42];
3) Mental or emotional pressures on IPRA staff[43];
4) Various categories of requestors, including vexatious requestors[44]; those that use IPRA to circumvent the discovery process[45]; those that submit many or batch requests[46]; artificial intelligence, bot, or otherwise automated requestors[47]; those that submit requests that burden or impede the work of public bodies[48]; and those who use IPRA to target individuals[49];
5) Redaction or release of video footage of private moments or property,[50] of children,[51] or of girls or women in sensitive situations[52];
6) Sensitive records concerning physical and digital infrastructure and utilities[53];
7) Governmental determination of the responsible custodial agency[54];
8) Standards for "no responsive records" responses[55];
9) Governmental reprisals or retaliation against requestors, including through litigation[56]; and
10) State IPRA enforcement against public bodies.[57]

It is recommended that the Legislature fully consider these raised areas of concern alongside the recommendations of this Task Force.

[41] See 005, 117, 140, 220, 233, 247, 306.
[42] See 192, 272, 282, 290, 303.
[43] See 105, 201, 246, 247, 254.
[44] See 007, 029, 032, 092, 106, 107, 161, 174, 175, 185, 193, 235, 258, 269, 273, 281, 284, 303, 304.
[45] See 033, 214.
[46] See 042, 045, 048, 052, 071, 096, 158, 165, 199, 201.
[47] See 011, 073, 074, 125, 166, 177, 186, 199, 201, 204, 211, 284, 308.
[48] See 106, 235, 258, 273, 282, 295, 303.
[49] See 030.
[50] See 108.
[51] See 194, 230.
[52] See 001, 013, 242, 249.
[53] See 072, 177, 186, 259, 301.
[54] See 035, 116, 174, 185, 272.
[55] See 049, 208.
[56] See 003, 050, 094, 127, 130, 146, 152, 208, 224, 275.
[57] See 211, 212, 213, 234, 237, 259, 281, 290.

IPRA TASK FORCE REPORT

Approved Recommendations

CHAPTER I

Records Administration

FINAL RECOMMENDATION · APPROVED

Data: Implement, via statutory amendment or regulation, standardized, statewide reporting of public records/IPRA program data to a single location, potentially subject to a reporting threshold.

Seven members voted in favor with Ms. Martinez, New Mexico Municipal League Task Force appointee, opposed.

CLARIFYING POSITION
Rebecca Martinez | Organizational Representative for the New Mexico Municipal League

The New Mexico Municipal League supports sound, data-driven policymaking and sees the value of better information about public records programs. However, requiring statewide data reporting through statute or regulation would create an unfunded mandate. Public bodies would have to absorb new administrative costs with no added resources. That strain on already limited budgets and staff capacity can affect the delivery of government services, including the timely response to public records requests this recommendation is meant to improve.

The real barrier to consistent data reporting is capacity, not willingness. Many public bodies, especially smaller ones, don't have the records management tools that make standardized reporting practical. Even so, many already provide program data when asked, without a state mandate. A new legal requirement isn't needed to reach the recommendation's goal. Efforts to meet the goal would be better spent on addressing capacity and technical assistance gaps (see the Task Force's IPRA Program Technology recommendation) than on creating new mandates.

FINAL RECOMMENDATION · APPROVED

Paper Records: Increase funding for digitization and enterprise content management platforms, with potential alignment to priorities such as digitizing large-format building plans.

All members voted in favor.

FINAL RECOMMENDATION · APPROVED

Proactive Publication and Potential Creation of Portal for Traffic Accident Reports: Identify record classes that could be published proactively without redaction concerns, and separately pursue a public-facing portal allowing members of the public to obtain their own traffic accident reports.

All members voted in favor.

FINAL RECOMMENDATION · APPROVED

IPRA Program Technology: Establish a grant program to help public bodies purchase management and redaction software for public records requests.

Seven members voted in favor with Mr. Stalter not voting.

IPRA's Implementation

Public records management—including digital and physical storage, record publication, and data collection on records requests—is a key component to open records law compliance. Although IPRA sets forth basic requirements for the timing and content of responses to records requests, it does not otherwise address procedures for searching for records, responding to requests, or maintaining records related to requests. Nor does it include any specific requirements regarding the use of technology or other technical aspects of records administration. New Mexican public bodies therefore determine their own processes for receiving and responding to requests, communicating with requestors, searching for responsive documents, considering applicable exemptions, and redacting exempt information.

Task Force members found it difficult to comprehensively gauge how different public entities managed records and responded to requests. Neither IPRA nor any other legal authority in New Mexico requires public entities to regularly compile data regarding the number of public records requests received, the nature or subject matter of the requests, the identity of the requestors, the time required for responses, or the actual costs of compliance. Public comments discussed below shone some light on the current administration of IPRA, but this lack of systematized data collection stymied Task Force agreement on the scale of any administrative issues.

Expressed Need for Improved Administration & More Resources

Comments received by the Task Force demonstrated substantial technological and administrative constraints and gaps in public entities' IPRA management. Governmental comments detailed shared difficulties in several areas of records administration, including the expense of purchasing administrative technology[58]; search-

[58] See 131, 178, 189.

ing for responsive records across governmental entities[59] or in physical storage[60]; and completing redaction, withholding, and legal reviews.[61] Commenters also discussed the overall financial burden of responding to IPRA requests.[62] Members of the public spoke, either directly or indirectly, on the need for improved records administration generally[63]; on the lack of required, substantiated, or compiled IPRA data from governmental entities[64]; and about difficulties in finding governmental records that should be public.[65] Recent increases in request quantity and complexity[66] and the impact of modern technology on the governmental generation of records[67] further raise the urgency of administrative support and direction.

Subcommittee 1 members[68] also drew from their own expertise and shared difficulties regarding records management. They noted that the general challenge with uniformity arises from an absence of statewide provision of, or requirements to use, specific management software. Public entities may therefore use different software programs from one another and change their own programs. Additionally, while some entities have purchased software to modernize workflows and processes, there may still be entities in possession of significant amounts of records in paper or older formats (e.g., microfilm); when entities do have funding to digitize records, they may not have an enterprise content management platform to categorize and store said records. The many different software programs that can assist entities with managing public records requests and redaction remain uncompiled and unreviewed.

Review of Possible Areas of Administrative Improvement

Public commenters offered a variety of suggestions to improve the administration of public records and IPRA requests. Many comments discussed proactive transparency measures as tools to decrease request burden and increase the accessibility of important public records. In this vein,[69] commenters urged publication of frequently requested records[70] and common record forms, such as contracts and related materials,[71] internal policy documents,[72] and police records[73]; public access to previous IPRA requests and released materials[74]; and greater funding for proactive records publication.[75] One non-governmental commenter additionally suggested improvements to the extant New Mexico Sunshine Portal.[76] Aside from proactive transparency, commenters discussed greater data collection on IPRA's implementation[77]; improved digital records management

[59] See 189, 235.
[60] See 232.
[61] See 123, 235.
[62] See 045, 235.
[63] See 066, 271.
[64] See 120, 162, 244, 278.
[65] See 262, 264, 281.
[66] Governmental commenters shared quantitative examples (see 031, 032, 041, 076, 105, 125, 167, 171, 177, 178, 186, 201, 205, 249, 295) and anecdotal evidence of this increase (see 033, 045, 098, 099, 101, 104, 164, 184, 185, 202, 206, 235, 258, 273, 287).
[67] See 221, 228, 263.
[68] The Task Force's Subcommittee 1 focused on records storage, management, and retention, and was composed of Mr. Watson and Mr. Williams. More information about this and the other two Task Force subcommittees can be found in Appendix A.
[69] For comments on proactive transparency broadly, see 008, 102, 111, 218, 224, 225, 243, 244, 264, 281, 302, 310. One commenter also focused on proactive publication of governmental data in general (304).
[70] See 063, 092, 093, 196, 234, 236, 250, 262, 269, 278, 280, 290.
[71] See 269.
[72] See 063, 236, 269, 304.
[73] See 093.
[74] See 092, 283.
[75] See 234, 280.
[76] See 281.
[77] See 063, 250.

and digitization[78]; standardization of technology;[79] public entities' establishment of internal IPRA policies[80]; state support for local records management[81, 82]; local reallocation of resources towards IPRA compliance[83]; the use of new technologies to ease records review before an IPRA release[84]; and a centralized IPRA request platform.[85]

Subcommittee 1 members also recommended potential areas for state administrative support based on their own thematic knowledge. They highlighted that many stakeholders agreed that proactive transparency, or the routine and regular publication of public records by a public body, benefits both the public and public entities. Subcommittee members did allow that there are practical limitations to proactively making certain types of records available, but noted the benefits of expedited public access to records and decreased request demand—a public entity that proactively publishes its most frequently requested records eliminates the need for those requests entirely. Subcommittee 1 therefore recommended that any record type frequently requested be published routinely on a public entity's website, and added that, if proactive publication is too cumbersome, public bodies could alternatively publish logs of IPRA requests and responses, permitting requestors to obtain or request those particular responses more efficiently.

Regarding technological administrative support, Subcommittee 1 recommended various avenues for state support. These suggestions included a significant increase in funding for digitization and for the purchase of enterprise content management platforms; centralized management of such a program, to allow for alignment of digitization projects with broader governmental goals[86]; and statewide, systematic studies of both frequently requested classes of records not needing redaction, and of opportunities to promote accessible records software. Additionally, and in response to comment shared with the Task Force,[87] Subcommittee 1 noted that a grant program for public entities to increase the accessibility of traffic accident reports could be helpful, as traffic accident reports are a commonly requested record across different agencies and are essentially managed in one database.

On the topic of processes and programs more generally, Subcommittee 1 recommended that every governmental agency create and publish its procedures for receiving, tracking, assigning, reviewing, redacting, and responding to IPRA requests. They also suggested that the state require or incentivize implementation of centralized IPRA request portals for all public entities.

Along with the recommendations shared by commenters and Subcommittee 1, Task Force members separately had several opportunities to review proactive transparency approaches. During the Task Force's June 23, 2026, meeting, members Ms. Martinez and Mr. Watson gave a presentation on challenges in digital publication, examples of governmental engagement in proactive transparency, and several policy ideas.[88] The following summary table of selected states' proactive transparency efforts includes the New York initiative mentioned in this presentation.

[78] See 102, 236, 268, 272, 275.
[79] See 086.
[80] See 196, 272.
[81] See 119, 143, 181, 211, 301, 304.
[82] While not offered as a recommendation, one governmental commenter expressed their opposition to a state-mandated order for records processing (see 185).
[83] See 119, 143.
[84] See 093, 250.
[85] See 063, 258.
[86] Subcommittee 1 provided the example that, in alignment with the Legislative and Executive Branches' current focus on housing and construction, a state scanning program could focus on digitizing large format building plans.
[87] Assumedly 249 and 278.
[88] The presentation slides are accessible here: https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Slide-Deck-6-23-26.pdf.

Table 3: Overview of Select States' Transparency Programs

STATE	PROGRAM	SUMMARY OF WORK
Maryland	Open Data Portal	• The portal's website includes links to catalogued governmental data organized by the following categories: "Administrative," "Agriculture," "Budget," "Business & Economy," "Demographics," "Education," "Environment," "Health," "Planning," "Public Safety," "Transportation," and others. • Information is also included on whether "datasets [are] up to date."[89] • The portal houses the webpage for the Council for Open Data, whose work broadly supports "Maryland's open data."[90] • Its origin can be traced back to Maryland's 2015 Open Data Act.[91]
New York	NYS Government Transparency Initiative	• State agencies were instructed by Governor Kathy Hochul to evaluate opportunities and "create a plan" for greater "transparency and accessibility."[92] • Per this initiative, state governmental entities would work collaboratively to formulate "timelines for implementation." • Older and more recent, updated plans for each governmental entity are posted online.[93]
New York	Local Government Records Management Improvement Fund (LGRMIF) Grants	• The state runs a grant program for "local governments to establish records management programs or develop new program components." • Local governments may apply for grants for "Disaster Management," "Document Conversion and Access," "Files Management," "Historical Records," and "Inactive Records." • Workshops are hosted for potential applicants.[94]

[89] "Open Data Portal," Open Data Portal, Maryland.gov, accessed October 12, 2026, https://opendata.maryland.gov/.
[90] "Council for Open Data," Open Data Portal, Maryland.gov, accessed October 12, 2026, https://opendata.maryland.gov/stories/s/Council-on-Open-Data/vyny-sdaq/.
[91] "Maryland Council on Open Data: Annual Report: January 10, 2026," Open Data Portal, Maryland.gov, January 10, 2026, https://opendata.maryland.gov/stories/s/2026-Open-Data-Annual-Report/wc3n-zm4e/.
[92] "Hochul Administration Transparency Plans," Governor Kathy Hochul, New York State, accessed October 12, 2026, https://www.governor.ny.gov/hochul-administration-transparency-plans.
[93] "Transparency at Empire State Development," Empire State Development, New York State, accessed October 12, 2026, https://esd.ny.gov/nys-government-transparency-initiative.
[94] "Local Government Records Management Improvement Fund (LGRMIF) Grants," Grants & Awards, New York State Archives, accessed October 12, 2026, https://www.archives.nysed.gov/grants/lgrmif-grants.

Recommendations for Improved Administration & More Resources

Subcommittees 1 and 2[95] met during the weeks of August 24 and August 31, 2026, and shared the following recommendations for records administration at the Task Force's September 3, 2026, meeting:

DRAFT RECOMMENDATION · SUBCOMMITTEE 1

Data: Require standardized, statewide reporting of public records/IPRA program data to a single location, potentially subject to a reporting threshold.

DRAFT RECOMMENDATION · SUBCOMMITTEE 1

Proactive Publication: Study public records requests statewide to identify record classes that could be published proactively without redaction concerns, and pursue a public-facing portal for traffic accident reports.

DRAFT RECOMMENDATION · SUBCOMMITTEE 1

Paper Records: Increase funding for digitization and enterprise content management platforms, following models such as New York State's, with potential alignment to priorities such as digitizing large-format building plans.

DRAFT RECOMMENDATION · SUBCOMMITTEE 1

Public Records Program Technology: Establish a grant program to help public bodies purchase records-request management and redaction software.

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

… [E]ncourage proactive publication of frequently requested records.[96]

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

The State should subscribe to software to manage IPRA requests and to perform necessary redactions and purchase sufficient licenses for local governments to use those tools. The State's purchasing power and IT capabilities would bring economies of scale to local governments.

[95] The Task Force's Subcommittee 2 focused on the receipt of and response to records requests, and was composed of Mr. Eshleman, Ms. Mills, and Ms. Moskowitz. More information about this and the other two Task Force subcommittees can be found in Appendix A.

[96] This was a portion of a Subcommittee 2 recommendation that read in full: "Clarify the broad-and-burdensome standard while protecting legitimate investigative requests from unnecessary delay and encourage proactive publication of frequently requested records."

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

The Legislature should provide guidance on how to process or prioritize a backlog of requests or multiple or voluminous requests from the same requester to ensure all requestors get records in a timely manner.

In response to Subcommittee 2's recommendation on providing guidance for processing multiple requests from one requestor, a Task Force member[97] shared that the Freedom of Information Act ("FOIA") requires agencies to establish different processing tracks for large and small requests. They also suggested applying the recommendation to entities that received above a specified number of requests annually.

These recommendations were again reviewed at the Task Force's next meeting on September 16, 2026.[98] During discussion, members disagreed on whether data collection should be voluntary or mandatory, with one member opposing data-reporting burdens for local governments, and another member supporting data collection that could demonstrate the IPRA burdens claimed by New Mexican governments. In response, one member suggested that there could be a resources threshold over which qualifying public entities would be required to report data. It was also proposed that this requirement could be adopted via rule instead of statute to allow for entity-to-entity flexibility. Members shared broad support for the recommendations on digitization and enterprise content management platforms, proactive publication, and public records program technology (along with concerns on possible sources of funding for the latter). One subcommittee member also explained that the "study" described in the proactive publication recommendation could consist of an annual review of records for proactive publication, with dedicated grant funding.

Task Force members also discussed Subcommittee 2's recommendation for guidance on processing IPRA requests.[99] One Task Force member shared their support for this recommendation if applied to large public entities, and another member supported exploring this recommendation as a way of addressing the ambiguity in IPRA's "reasonable time" allowance. Other members argued that this could unnecessarily remove custodians' current flexibility in responding to requests; one member also voiced a concern about the potential for this to lead to a form of discrimination among different types of requests.

When the Task Force reconvened on September 23, 2026, Subcommittee 1 presented their final recommendations. Task Force members began by discussing the recommendation on data, with one member arguing that collected data could demonstrate the burden of managing specific record types, or the burden caused by vexatious requestors, and thereby lead to targeted statutory reform.[100] A member expressed their wish to see the data recommendation contain more detail on categories of data to be collected, to which a subcommittee member responded that establishing a data collection requirement via rule would allow for greater specificity as well as flexibility. Following an amendment to remove the word "Require" and replace it with "Implement, via statutory amendment or regulation,…" the following recommendation was approved by the Task Force:

[97] For each recommendation chapter's summaries of Task Force discussion, all who participated as part of the Task Force are referred to as "Task Force members." This designation includes those who themselves are not members of the Task Force but who served as proxies for Task Force members during the corresponding meeting(s).

[98] Subcommittees 2 and 1 met again during the weeks of September 7 and 14, 2026, respectively, and did not change their recommendations in advance of this meeting.

[99] Subcommittee 2 did not discuss their recommendation for state software subscriptions at this meeting because Subcommittee 1 had covered the dedication of state resources for local governments.

[100] At this point in the meeting, one Task Force member asked Subcommittee 1 to clarify their recommendation related to funding. A subcommittee member responded that the intent was to recommend greater legislative appropriation to public bodies to respond to growing request demand, and that entities could also reallocate funding internally towards IPRA. A subcommittee member additionally shared that, given the public comment received by the Task Force, there appeared to be ample information to support a recommendation for increased state funding.

FINAL RECOMMENDATION · APPROVED

Data: Implement, via statutory amendment or regulation, standardized, statewide reporting of public records/IPRA program data to a single location, potentially subject to a reporting threshold.

Seven members voted in favor with Ms. Martinez, New Mexico Municipal League Task Force appointee, opposed.

Later in the meeting, Task Force members approved the following Subcommittee 1 recommendation:

FINAL RECOMMENDATION · APPROVED

Paper Records: Increase funding for digitization and enterprise content management platforms, with potential alignment to priorities such as digitizing large-format building plans.

All members voted in favor.

Subcommittee 1's recommendation on the proactive publication of records was next discussed. The Task Force made clarifying amendments to add "and Potential Creation of Portal for Traffic Accident Reports," and to specify that, following "without redaction concerns," the recommendation would be to "separately pursue a public-facing portal allowing members of the public to obtain their own traffic accident reports." In response to a member's question on what "[s]tudy[ing] record classes" would entail, one subcommittee member suggested that this could be performed annually by an ombudsman entity that would support governments in publishing said records. The Task Force further amended the recommendation to begin with "Identify" in place of "Study," after which it approved the following recommendation:

FINAL RECOMMENDATION · APPROVED

Proactive Publication and Potential Creation of Portal for Traffic Accident Reports: Identify record classes that could be published proactively without redaction concerns, and separately pursue a public-facing portal allowing members of the public to obtain their own traffic accident reports.

All members voted in favor.

The last recommendation presented by Subcommittee 1 concerned public records program technology. The Task Force made a clarifying amendment to change "purchase records-request management and redaction software" to "purchase management and redaction software for public records requests," and to replace "Public Records" with "IPRA." The Task Force then approved the following recommendation:

FINAL RECOMMENDATION · APPROVED

IPRA Program Technology: Establish a grant program to help public bodies purchase management and redaction software for public records requests.

Seven members voted in favor with Mr. Stalter not voting.

The Task Force reviewed Subcommittee 2's recommendation on guidance for processing requests at its September 29, 2026, meeting.[101] A subcommittee member contextualized this recommendation within received public comment that detailed the difficulty of handling multiple requests from one requestor, and what the member characterized as the potential of one individual to "bottleneck"[102] request fulfillment. One Task Force member expressed their support for the recommendation, arguing that it would be helpful for both custodians and requestors to have a clearer understanding of the order of requests awaiting fulfillment. In opposition, a member questioned the utility of this recommendation given custodians' flexibility in request processing order, and another member posited that this would place an administrative burden on custodians. This member further speculated that the establishment of tracks could interfere with the ability of requestors to file suit. Ultimately, the Task Force did not approve the following recommendation:[103]

FINAL RECOMMENDATION · NOT APPROVED

The Task Force recommends that the Legislature provide guidance allowing public bodies to use multi-track processing or sequencing when managing multiple or voluminous requests. A requester should have an opportunity to narrow the scope of a request to qualify for faster processing. When the same requester has broad or burdensome requests pending, the custodian should also be able to ask the requester which request should be prioritized or process qualifying requests sequentially. Sequencing should govern the order in which the requests are processed, not whether the requester ultimately receives the records. Reasonable production requirements should remain in place to prevent sequencing from becoming an indefinite delay. None of these recommendations are prohibited under the current law but are made at the request of custodians who would appreciate more explicit permission and guidance.

Four members voted in favor with Mr. Stalter, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, and Chair Zaritsky, New Mexico Department of Justice Task Force appointee, opposed.

[101] Subcommittee 2 members agreed not to hold a vote on their recommendation on state subscription to IPRA software, as the topic had previously been addressed in Subcommittee 1's recommendations.

[102] "IPRA Task Force Meeting-20260929_140052-Meeting Recording" (IPRA Task Force Meeting, Albuquerque), 21, https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Transcript-9-29-26.pdf.

[103] This recommendation was then amended for clarity to read "The Task Force recommends" instead of "The subcommittee recommends."

CHAPTER II

Records Custodians

FINAL RECOMMENDATION · APPROVED

Training: Expand the amount and content of IPRA training, informed by a deeper review of records custodians' needs and the NMDOJ's training budget.

All members voted in favor.

FINAL RECOMMENDATION · APPROVED

Credentialing: Create and fund a credentialing program in public records generally or in specific areas of IPRA, whether through a state agency or in partnership with a New Mexico university.

Seven members voted in favor, with Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

IPRA's Implementation & Expressed Need for Training & Resources

State training for IPRA records custodians and staff currently operates on a voluntary and generalized basis, with the NMDOJ the sole state entity to provide regular trainings. Aside from this, there are no statewide guidelines for the training of IPRA records custodians,[104] and each public entity therefore establishes its own procedures for internal, specialized trainings. Whether, or to what extent, IPRA training or instruction is provided to other employees to whom records custodians forward requests for responsive records was unclear to the Task Force. Limitations of these forms of training were highlighted in testimony received by the Task Force, who heard from members of the public that available training is insufficient for ensuring diligent request fulfillment.[105] Other comments more broadly alleged IPRA noncompliance or violations resulting from custodial errors or actions.[106]

Along with the optional nature of IPRA training, there is no pathway for certification in IPRA as a whole or in more complicated aspects of the Act, such as law enforcement requests. IPRA itself does not require minimum competence or certification to complete the statutory interpretations and legal determinations that may be necessary to fulfill requests. The Task Force recorded comments describing non-attorney custodians

[104] This statement is specific to IPRA custodians and staff. Other relevant requirements or guidance may be established in New Mexico, such as the required "basic records management training" for "designated records custodians" offered by the State Commission of Public Records (N.M. Admin. Code § 1.13.12.9 (2018); see 290).

[105] See 261, 267.

[106] See 054, 102, 111, 165, 194, 224, 253, 268, 271, 304.

who made these decisions in the course of their work,[107] or detailing the insufficient "legal capability" of a public entity.[108]

The volume and complexity of public records requests have recently grown for some public entities,[109] potentially exacerbating the consequences of the forms of training described above. The Task Force received comments indicating staffing pressures: Governmental commenters shared that public entities did not have sufficient staff,[110] have added or are seeking new staff positions,[111] or did not possess enough funds to hire more staff.[112, 113, 114] Non-governmental and governmental commenters also discussed how responding to records requests falls on staff with other professional responsibilities, with some noting the associated consequences for diligent request fulfillment or other public work.[115] Task Force members additionally heard from commenters about the pressures[116] of the work; to the extent that some pressures worsen custodial workloads or workflows, provision of robust training to custodians may prove insufficient in standardizing IPRA request responses.

Review of Possible Avenues to Support Custodians

The Task Force received recommendations to better support IPRA custodians in their work from members of the public and governmental commenters. Recognizing the importance of staffing, training, and credentialing support, members of the public requested associated improvements broadly[117]; for required[118] or standardized[119] custodial training; for voluntary[120] or mandatory[121] credentialing; for increased or minimum-required IPRA staffing[122]; and for increased funding.[123] Non-governmental commenters additionally suggested solutions to mitigate staffing burdens aside from increasing personnel or funding, such as improving training[124] and sharing IPRA request responsibilities with extant employees who are not custodians.[125] Governmental commenters in turn asked for the provision of more guidance in responding to IPRA requests,[126] funding for

[107] See 113.
[108] See 164.
[109] Governmental commenters shared quantitative examples (see 031, 032, 041, 076, 105, 125, 167, 171, 177, 178, 186, 201, 205, 249, 295) and anecdotal evidence of this increase (see 033, 045, 098, 099, 101, 104, 164, 184, 185, 202, 206, 235, 258, 273, 287).
[110] See 017, 296.
[111] See 033, 045, 129, 133, 165, 171, 177, 178, 200, 235.
[112] See 032, 164, 296.
[113] Governmental commenters more broadly referenced the monetary expenditures necessary to respond to IPRA requests (See 045, 069, 096, 129, 132, 165, 178, 205, 301).
[114] The financial impact of increased records demand was not clear to the Task Force. The Task Force did not receive information on whether the Legislature had increased funding to public bodies for IPRA compliance, and it was difficult to assess the extent to which public entities internally reallocated funding in response to increased demand.
[115] See 015, 018, 021, 022, 027, 032, 055, 076, 078, 088, 115, 133, 164, 205, 211, 216, 227, 235, 261, 292, 295, 296.
[116] For references to various pressures, see 002, 012, 015, 076, 105, 113, 123, 165, 168, 171, 201, 206, 210, 235, 246, 249, 280, 287, 295.
[117] See 066, 115, 196, 267.
[118] See 063, 269, 272.
[119] See 244, 267, 278, 302.
[120] See 290.
[121] See 302.
[122] See 197, 236, 267.
[123] See 130, 211, 234, 250, 254, 288, 304. One commenter specifically advocated for "dedicated recurring appropriations for records custodians, particularly in cities and towns where there's very limited access" (see 245; quotation was pulled from an internal transcript document).
[124] See 162, 163.
[125] See 191.
[126] See 279, 308.

staff,[127, 128] formal definition of the custodian position,[129] and routinized training for new custodians.[130]

Subcommittee 1 members[131] also recommended potential areas for state support based upon their own thematic knowledge. One member of the subcommittee strongly recommended greater legislative appropriations to public bodies for IPRA compliance (alongside or instead of internal funding reallocation). Another member of the subcommittee contended that increased funding and staffing for purposes of IPRA compliance could lead to increased demand for associated services, and therefore that raising funding and staffing would not be an appropriate solution.

Both subcommittee members shared several possible approaches for IPRA training. They suggested that the NMDOJ or another public entity could create a module with specific guidelines for training governmental staff responsible for IPRA requests. Another possibility they proffered would be to require or encourage public entities to have records custodians and staff regularly participate in NMDOJ seminars for IPRA compliance, or, more broadly, to require training for the handling of IPRA requests. Subcommittee 1 did note that expanding the amount and content of training currently offered would require a deeper review of both the needs of current records custodians and the NMDOJ's training budget.

On the topic of IPRA credentialling, Subcommittee 1 posited that the creation and funding of a credentialing program—either in public records generally or in specific areas of IPRA—would deepen knowledge of the Act and could improve the administration of public records programs. They suggested that, with the provision of necessary funding, a state agency could create a certification program with training and resources on various IPRA topics; alternately or supplementarily, a certification program with a New Mexican university could be created.

Recommendations for Records Custodian Training & Credentialing

After meeting during the week of August 24, 2026, Subcommittee 1 presented the following recommendations to the full Task Force:

DRAFT RECOMMENDATION · SUBCOMMITTEE 1

Training: Expand the amount and content of IPRA training, informed by a deeper review of records custodians' needs and the NMDOJ's training budget.

DRAFT RECOMMENDATION · SUBCOMMITTEE 1

Credentialing: Create and fund a credentialing program in public records generally or in specific areas of IPRA, whether through a state agency or in partnership with a New Mexico university.

At the Task Force's September 3, 2026, meeting, two Task Force members voiced support for trainings that would cover both IPRA and the internal records management processes of a governmental entity. One member also discussed approaches to educating other public entity personnel on the importance of records

[127] See 105, 171.

[128] One governmental commenter pushed back on this recommendation, stating that they knew of entities where "they hire more staff, they get more requests" (see 251).

[129] See 206.

[130] See 284.

[131] The Task Force's Subcommittee 1 focused on records storage, management, and retention, and was composed of Mr. Watson and Mr. Williams. More information about this and the other two Task Force subcommittees can be found in Appendix A.

custodians. Later in the meeting, Task Force members discussed whether expanding records custodian staff would alleviate the current burdens on records custodians, or if it would, unintuitively, increase response times.

Subcommittee 1 again presented these two recommendations at the subsequent September 16, 2026, meeting of the Task Force.[132] During this meeting, members expressed support for an expansion of custodian training and the associated dedication of resources, and discussed whether such training would continue to be performed by the NMDOJ. One member argued that trainings specific to different public entities are also needed in order to familiarize custodians with their respective entities' record management practices. In response to Subcommittee 1's credentialing recommendation, one Task Force member shared their concern that governmental credentialing could affect IPRA enforcement. Two members specifically voiced opposition to requiring credentialing, but supported the recommendation overall.

These same recommendations were reviewed at the Task Force's September 23, 2026, meeting. A subcommittee member clarified that the training recommendation's mention of the NMDOJ's budget was a reference to existing information on the amount of resources required to conduct trainings; they added that trainings could be performed by an ombudsman entity, as proposed by the Task Force. Task Force members then approved the following recommendation:

FINAL RECOMMENDATION · APPROVED

Training: Expand the amount and content of IPRA training, informed by a deeper review of records custodians' needs and the NMDOJ's training budget.

All members voted in favor.

The Task Force next discussed Subcommittee 1's recommendation on credentialing, which, as explained by a subcommittee member, was not meant to impose a requirement.[133] A Task Force member argued that the recommendation could be more helpful to the Legislature if it included language to differentiate credentialing and training, as well as on potential credentialing in specific record types. The Task Force moved on from this recommendation without voting but with the expectation of revisiting the recommendation once such additional language had been drafted by a subcommittee member. Due to time constraints, the Task Force did not have sufficient time to revisit this recommendation during its September 23, 2026, meeting.

The Task Force voted on the following credentialing recommendation at its September 29, 2026, meeting:

FINAL RECOMMENDATION · APPROVED

Credentialing: Create and fund a credentialing program in public records generally or in specific areas of IPRA, whether through a state agency or in partnership with a New Mexico university.

Seven members voted in favor, with Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

[132] Subcommittee 1 met the week of September 14, 2026, and did not change its recommendations in advance of this meeting.

[133] At this point in the meeting, one Task Force member gave an example of the credentialing program established through statute for chief procurement officers (N.M. Stat. Ann. § 13-1-95.2 (2013)), to which a subcommittee member stated that, while envisioned as a centralized program, the subcommittee had not decided on a form of implementation.

As requested by the Task Force during its September 23, 2026, meeting, a Subcommittee 1 member provided further language for the credentialing recommendation, which read:

> *"This credentialing program does not necessarily need to be required for records custodians or focus on IPRA generically. Instead, a certification program could focus on specific, recurring challenging areas of IPRA and associated laws. For example, there could be a specific certification on law enforcement requests or on specific, complex issues that arise in the course of processing law enforcement requests, like digital evidence and the Electronic Communications Privacy Act."*[134]

This language was shared with the Task Force prior to its October 9, 2026, meeting and discussed during said meeting. Task Force members agreed to incorporate it into the final report.

[134] This language was edited for typographical errors.

CHAPTER III

Requestors & Fees

FINAL RECOMMENDATION · APPROVED

The Task Force recommends that the New Mexico Legislature adopt a statutory scheme to require out-of-state requests for body camera footage to pay a rate for review of body camera footage that reflects the actual cost of review and redaction. Any residency or requestor classification should also account for victims' rights, indigency, those who are unhoused, legitimate newsgathering, and other circumstances in which an out-of-state requestor has a legitimate interest in New Mexico public records. If the law allows for such fees, it should require that any fees collected under these provisions be dedicated to increasing resources for IPRA compliance and proactive transparency, including staffing, technology, training and redaction capabilities.

Six members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed, and Mr. Eshleman, New Mexico Association of Counties Task Force appointee, abstaining.

CLARIFYING POSITION
Lalita Moskowitz | Organizational Representative for the American Civil Liberties Union of New Mexico

In 2020, the ACLU of New Mexico advocated for the state statute requiring all law enforcement officers to wear body cameras. The ACLU saw this legislation as a tool to strengthen police accountability in the state. This tool works by shining a light on the conduct of law enforcement officers both in the aftermath of police violence and in their everyday interactions with the public. Therefore, the ACLU believes that any restriction on the public's access to body camera footage should be very carefully considered in light of the purposes of the body camera statute. Our first thought, when faced with increased demand for public records, should be to increase resources, rather than restrict access.

Many government bodies shared with the task force that reviewing and redacting body camera footage takes significant time and resources that detract from timely responding to other requests. They also pointed to a steep increase in requests coming from outside of New Mexico. However, the information provided was largely anecdotal, and it is not clear how custodians determined a request to be originating outside of the state. The ACLU believes that any restriction on access to these vital records should be based on clear, specific evidence both that this issue is, indeed, a problem and that the proposed solution would, in fact, serve to alleviate it. The task force did not have that evidence.

Finally, the task force discussed various methods by which government bodies could determine whether a requestor is not a New Mexico resident—almost all of which risked blocking or chilling vulnerable New Mexicans from seeking information through IPRA. For example, a proposed requirement to provide the government body with a permanent physical address would exclude unhoused individuals from making use of IPRA. Similarly, the task force's discussion about "legitimate newsgathering" revealed no consensus about what conduct qualifies or what definition might prevent dangerously subjective decisions by government officials that could easily run afoul of both the federal and state

constitutions. Ultimately, New Mexico law makes clear—for good reason—that the government may not question an IPRA requestor as to the purpose of their request.

For these reasons, the ACLU of New Mexico could not support this recommendation.

CLARIFYING POSITION

Greg Williams | Organizational Representative for the New Mexico Foundation for Open Government

Greg Williams, representing the New Mexico Foundation for Open Government on the Task Force, states that New Mexico enacted its law requiring police officers to use body-worn cameras because recordings of police activity (body-cam footage) are vital to oversight of law enforcement. That policy is undermined if the public is not given access to the recordings, which are public records. Some public bodies have asserted that demand for body-cam footage has overburdened their records custodians, especially repeated requests from out-of-state commercial entities. They have not yet provided data demonstrating that burden, and the Legislature should delay statutory restrictions on access to body-cam footage until public bodies have done so. Also, if demand for such public records has increased, the best approach is not to limit access to the records, but to ensure a corresponding increase in funding and training of records custodians to ensure that these records can be made available. If the Legislature considers statutory restrictions on access to body-cam footage, it should be certain that such restrictions do not unduly hinder transparency. Any such restrictions should focus on the alleged "problem" requestors from outside of New Mexico. Such restrictions might include a fee schedule for non-residents, as suggested in the recommendation, although care should be taken to ensure that proof of residency requirements does not unfairly burden requestors. An alternative approach would be a fee schedule that charges requestors based on the number of requests rather than their residence. Any statutory restriction should ensure that the rights of the media, victims, persons who are the subject of recordings, and civil rights advocates and other government watchdogs are not impaired. The Legislature should also consider, if it enacts any restriction, a "sunset" provision that expires after two years, coupled with mandatory reporting by records custodians of the incidence and time required to respond to these requests, so that the Legislature can consider the effects of the legislation.

CLARIFYING POSITION

Madeleine Zaritsky | Organizational Representative for the New Mexico Department of Justice

Madeleine Zaritsky, NMDOJ Task Force appointee, supports interpreting the recommendation's "legitimate interest" reference broadly to also include, at a minimum, all non-commercial requests. She does not support imposition of a residency verification requirement that would prove burdensome for requestors with legitimate interests.

IPRA's Structure

Differential treatment of specific categories of requestors and the imposition of a novel IPRA fee structure were discussed in tandem by the Task Force, which is reflected in this chapter's melding of the two open records topics.

IPRA does not currently contain any records requestor-specific restrictions. Section 14-2-1 of the Act begins with "[e]very person has a right to inspect public records of this state…"[135] and Section 14-2-5 of IPRA reads "all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees…"[136] These provisions have allowed for those within New Mexico, the United States, and those outside the country to request New Mexico's public records, and they speak to how those without New Mexican residency have legitimate interests in obtaining said materials. Aside from the geographic location of a requestor, Section 14-2-8(C) of the Act speaks to a requestor's intent: "No person requesting records shall be required to state the reason for inspecting the records."[137] This precludes a filtering of requests by, for example, commercial versus non-commercial intent. Lastly, IPRA does not contain any provisions that limit requests from those who purposefully harass public entities with numerous or voluminous requests, i.e., requestors who may be described as 'vexatious.' Together, these components of New Mexico's open records law allow for a maximalist reading of public access.

The Act does contain fee provisions but does not broadly allow for fees tied to labor, expertise, or requestor type. IPRA's Section 14-2-9(C) details fees for the making of physical copies, electronic copies downloaded "to a computer disk or storage device," and the transmission of copies. Within the same section, IPRA prohibits fees charged for "determining whether any public record is subject to disclosure…"[138] Critically, any fee established by a public entity must be published, along with other required information (e.g., on the process of making a request), per Section 14-2-7(E).[139] IPRA also references[140] two external fee provisions within the Public Records Act[141]—Sections 14-3-15.1 and 14-3-18—which allow for state agencies, and counties and municipalities, respectively, to charge for the production of information included in governmental databases. Section 14-3-18 additionally enables counties and municipalities to levy a fee on requests for materials created through geographic information systems.[142] These latter two provisions are differentiated from other allowable fees under IPRA by their permission of charges that correspond to use of the data[143] or to "personnel time" dedicated to records production.[144]

Expressed Need for Differential Requestor Treatment & Fees

Public commenters demonstrated significant divides in their discussion of requestors and fees. Governmental commenters requested restrictions for specific requestor types (e.g., commercial requestors[145] or out-of-state

[135] N.M. Stat. Ann. § 14-2-1 (2025).
[136] N.M. Stat. Ann. § 14-2-5 (1993).
[137] N.M. Stat. Ann. § 14-2-8(C) (2009).
[138] N.M. Stat. Ann. § 14-2-9(C) (2013).
[139] N.M. Stat. Ann. § 14-2-7(E) (2011).
[140] N.M. Stat. Ann. § 14-2-9(D) (2013).
[141] N.M. Stat. Ann. §§ 14-3-1 to -23 (2015).
[142] N.M. Stat. Ann. § 14-3-18 (2005). See the NMDOJ's IPRA Guide, Ninth Edition for additional analysis (New Mexico Department of Justice, *The Inspection of Public Records Act: A Compliance Guide on Government Transparency for New Mexicans and their Public Officials* (New Mexico Department of Justice, 2024), https://nmdoj.gov/wp-content/uploads/NMDOJ-IPRA-Guide-Ninth-Edition-25.03.21.pdf).
[143] N.M. Stat. Ann. § 14-3-15.1(F) (1995).
[144] N.M. Stat. Ann. § 14-3-18(E)(3) (2005).
[145] See 023, 147, 292, 296.

requestors[146]); provided examples of requests that had, with or without intent, significantly affected the work of their offices[147]; and pushed for greater reimbursement for request fulfillment or fees.[148] Some also recommended fees for broad or burdensome requests specifically.[149] Members of the public vehemently pushed back on potential requestor-based restrictions[150] (e.g., residency restrictions[151]), with some also noting that IPRA does not discriminate based on the intent of the requestor.[152] Non-governmental commenters additionally expressed opposition to added fees, in general[153, 154] or to those based upon resources expended in request fulfillment.[155, 156] There were also commonalities across non-governmental and governmental commenters about the burden data brokers and commercial requestors were placing upon IPRA systems,[157, 158] and about prioritizing requests based on residency or requestor location.[159]

A particular concern identified by both commenters[160] and Subcommittee 2[161] members in their review of this topic was the volume of requests for body camera and other audio and video recordings, and the time needed to fulfill these requests.[162] Governmental commenters referred to the resource intensity of reviewing and, if necessary, redacting this footage prior to release.[163]

Review of Select States' Requestor Restrictions & Fees

Several states exercise differential treatment of requests from those who are not citizens or residents of their respective states. Some states, such as Arkansas, Tennessee, Kentucky, and Virginia, limit the statutory right to access public records based on residency or citizenship. These listed states define residency or citizenship with varying expansiveness, and Kentucky and Virginia's statutes also maintain broad accessibility to forms of news media.[164] Although the Task Force did not have time to evaluate how other states have applied these restrictions, or whether they have been successful in their intended goals, Subcommittee 2 wished to highlight the statutes included in Table 4.

[146] See 023, 030, 177, 202, 241.
[147] See 006, 099, 184, 235.
[148] See 004, 006, 016, 025, 032, 042, 129, 151, 172, 176, 177, 184, 186, 202, 235, 249, 279, 308. One commenter shared that the City of Albuquerque had specifically "imposed a surcharge on those out-of-state and out-of-country requestors" (see 241; quotation was pulled from an internal transcript document).
[149] See 277, 279, with one commenter also recommending "[f]ee waivers or reductions when a requester demonstrates a clear public interest purpose" (see 279).
[150] See 084, 153, 223, 267, 289, 304.
[151] See 085, 134, 223, 304, 305.
[152] See 173, 304.
[153] See 079, 137, 148, 229, 243, 252, 267.
[154] This opposition was not universal. One commenter posited that, "if there was a fee associated with [requests] maybe they wouldn't just haphazardly request it" (see 179; quotation was pulled from an internal transcript document).
[155] See 060.
[156] This pushback was not universal. One commenter requested that "high-volume commercial requestors… bear a greater share of the costs" (See 270). Another commenter shared that, if fees were to be added, that they contain "broad" exemptions for journalists, attorneys, and nonprofits (see 108; quotation was pulled from an internal transcript document).
[157] See 010, 012, 016, 018, 025, 073, 078, 080, 123, 124, 134, 139, 164, 177, 186, 188, 195, 198, 202, 228, 234, 238, 249, 270, 292, 295, 296.
[158] One non-governmental commenter did state that commercial entities' use of public data could be for the "social good" (304).
[159] See 001, 083, 095, 101, 147, 151, 157, 186, 228.
[160] See 006, 018, 142, 165, 167, 177, 178, 186, 193, 238, 284.
[161] The Task Force's Subcommittee 2 focused on the receipt of and response to records requests, and was composed of Mr. Eshleman, Ms. Mills, and Ms. Moskowitz. More information about this and the other two Task Force subcommittees can be found in Appendix A.
[162] On the other side of IPRA, one commenter expressed frustration on the time taken to receive materials in response to requests for body camera footage (see 180).
[163] See 015, 016, 021, 025, 041, 076, 126, 167, 177, 178, 203, 228, 249, 301.
[164] See Table 4 for statutory citations.

Table 4: Select States' Requestor Restrictions

STATE	RELEVANT LANGUAGE
Arkansas	"Except as otherwise specifically provided by this section or by laws..., all public records shall be open to inspection and copying... by any citizen of the State of Arkansas..."[165]
Kentucky	"All public records shall be open for inspection by any resident of the Commonwealth, except as otherwise provided..."[166] "'Resident of the Commonwealth' means: (a) An individual residing in the Commonwealth; (b) A domestic business entity with a location in the Commonwealth; (c) A foreign business entity registered with the Secretary of State; (d) An individual that is employed and works at a location... within the Commonwealth; (e) An individual or business entity that owns real property within the Commonwealth; (f) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection; or (g) A news-gathering organization..."[167]
Tennessee	"All state, county and municipal records shall... be open for personal inspection by any citizen of this state..." (Tenn. Code Ann. § 10-7-503)[168]
Virginia	"Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth..."[169]

Aside from limiting the ability of non-resident or non-citizen requestors to make public records requests (see Table 4), some states apply differential treatment through the imposition of fees. Other states charge fees not based on where the requestor is located, but by how they are categorized as a requestor, the labor taken to fulfil the request in question, or the records reviewed and produced. Notably, multiple states allow for a fee to be waived if the record sought would contribute to the public interest (see Table 5). Table 5 details components of select states' fee structures across these aforementioned approaches; however, listed approaches represent a subjective determination of an isolated portion of a state's fee structure, and states may operate across these categories.

Table 5: Excerpts From Select States' Fee Structures

STATE	FEE TYPE	RELEVANT LANGUAGE
Colorado	Labor Cost	"A custodian may impose a fee... for the research and retrieval of public records only if the custodian has, prior to the date of receiving the request, either posted on the custodian's website or otherwise published a written policy that specifies the applicable conditions..., including the amount of any current fee...the custodian shall not impose a charge for the first hour of time expended in connection with the research and retrieval of public records. After the first hour of time..., the custodian may charge a fee for the research and retrieval of public records that shall not exceed thirty dollars per hour."[170]

[165] Ark. Code § 25-19-105(a)(1)(A) (2025).
[166] Ky. Rev. Stat. § 61.872(1) (2021).
[167] Ky. Rev. Stat. § 61.870(10) (2024).
[168] Tenn. Code Ann. § 10-7-503(a)(2)(A) (2026).
[169] Va. Code § 2.2-3704(A) (2023).
[170] Colo. Rev. Stat. § 24-72-205(6)(a) (2023).

Table 5 – Continued

STATE	FEE TYPE	RELEVANT LANGUAGE
Massachusetts	Labor Cost & Type of Requestor	"A records access officer may assess a reasonable fee for the production of a public record except those records that are freely available for public inspection… the fee shall be determined in accordance with…: (i) the actual cost of any storage device or material provided…; (ii) if an agency is required to devote more than 4 hours of employee time to search for, compile, segregate, redact or reproduce the… records requested, the records access officer may also include… an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required…, but the fee (A) shall not be more than $25 per hour; (B) shall not be assessed for the first 4 hours of work performed; and (C) shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the supervisor of records…; (iii) if a municipality is required to devote more than 2 hours of employee time…; (iv) the supervisor of records may approve a petition from an agency or municipality to charge for time spent segregating or redacting, or a petition from a municipality to charge in excess of $25 per hour…; (v) the records access officer may waive or reduce the… fee… upon a showing that disclosure… is in the public interest because it is likely to contribute significantly to public understanding… and is not primarily in the commercial interest of the requestor, or upon a showing that the requestor lacks the financial ability to pay…; (vi) the records access officer may deny public records requests from a requester who has failed to compensate the agency or municipality for previously produced public records…; (vii) the records access officer shall provide a written notification to the requester detailing the reasons behind the denial…; (viii) a records access officer may not require the requester to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver…"[171]
Rhode Island	Labor Cost & Type of Requestor	"A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars ($15.00) per hour and no costs shall be charged for the first hour… For the purposes of this subsection, multiple requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request… A court may reduce or waive the fees… if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding… and is not primarily in the commercial interest of the requester."[172]

[171] Mass. Gen. Laws ch. 66, § 10(d) (MALegislature.gov 2026).
[172] R.I. Gen. Laws § 38-2-4(b), § 38-2-4(e) (2012).

Table 5 – Continued

STATE	FEE TYPE	RELEVANT LANGUAGE
Washington	Specialized Labor Cost	"(a)(i) In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may only be imposed if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes. (ii) The customized service charge may reimburse the agency up to the actual cost of providing the services… (b) An agency may not assess a customized service charge unless the agency has notified the requestor of the… charge…, including an explanation… The notice also must provide the requestor the opportunity to amend [their] request…"[173]
Florida	Specialized Labor Cost & Type of Request	"The custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law. If a fee is not prescribed by law, the following fees are authorized:… (d) If the nature or volume of public records requested to be inspected or copied… is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service…"[174]
Kentucky	Specialized Labor Cost & Type of Requestor	"(3) The public agency may prescribe a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes which shall not exceed the actual cost of reproduction…, but not including the cost of staff required. If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request…, the public agency may… provide the requested format and recover staff costs as well as any actual costs incurred. (4) (a) … if copies of nonexempt public records are requested for commercial purposes, the public agency may establish a reasonable fee. (b) The public agency from which copies… are requested for a commercial purpose may require a certified statement from the requestor stating the commercial purpose…, and may require the requestor to enter into a contract with the agency. The contract shall permit use of the public records for the stated commercial purpose for a specified fee. (c) The fee provided for in subsection (a) of this section may be based on one or both of the following: 1. Cost to the public agency of media, mechanical processing, and staff required…; 2. Cost to the public agency of the creation, purchase, or other acquisition of the public records."[175]

[173] Wash. Rev. Code § 42.56.120(3) (2017).
[174] Fla. Stat. § 119.07(4) (2026).
[175] Ky. Rev. Stat. § 61.874 (1994).

Table 5 – Continued

STATE	FEE TYPE	RELEVANT LANGUAGE
Indiana	Location of Requestor	"(n) Except as provided in subsection (o), a public agency may collect a supplemental fee for processing public records requests submitted by non-Indiana residents or out-of-state entities. The fee: (1) must be reasonably related to the cost of fulfilling the request; and (2) may not exceed twenty-five cents ($0.25) per page and twenty-five dollars ($25) per hour of staff time spent processing the request. (o) A public agency may waive the fee under subsection (n) if the public agency finds that the public records request serves the public interest."[176]

Imposition of a fee structure based on the requestor, staff labor, or form of records sought is not universal. As in New Mexico,[177] some states statutorily allow for fees based on the material cost of creating copies generally (e.g., Arkansas[178]) or, unlike New Mexico, specifically for noncommercial requests (e.g., Illinois[179]). Additionally, West Virginia expressly prohibits cost recovery for the labor taken to fulfill a request.[180] States listed in Table 4 and Table 5 should therefore be referenced as examples of public records regimes with greater restrictions or fees compared with New Mexico's IPRA, and not as comprehensive examples of states' requestor treatment.

Recommendation for Differential Treatment of Out-of-State Requests

Subcommittee 2 met on August 27 and September 2, 2026, and decided to present the following recommendation to the full Task Force:

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

Further examine a narrowly tailored fee structure for high-volume out-of-state requests by large corporate entities or consider, as some states have done, restricting requests to residents of New Mexico and media targeted to this state. Any fees assessed should be earmarked for IPRA compliance expenses such as added staff, proactive transparency measures, and technology to assist with responding to requests.

Residency alone should be approached cautiously. Legitimate journalism and public-interest reporting often cross state lines. The better focus may be on the volume, nature and commercial use of requests, while preserving access for journalists and ordinary members of the public.

At the Task Force's September 3, 2026, meeting, Task Force members engaged in discussion on the merits and drawbacks of this approach. One member expressed uncertainty about how a provision applied to out-of-state requestors would be enforced. A subcommittee member noted that, even if not perfectly implemented, the recommendation could still be effective. Two other members replied that, while difficulties remained,

[176] H.E.A. 1360, § 5, 124th Gen. Assemb., 2d Reg. Sess. (Ind. 2026).
[177] N.M. Stat. Ann. § 14-2-9 (2013).
[178] Arkansas Office of the Attorney General, *The Arkansas Freedom of Information Handbook: Open records, open meetings, open government for all Arkansas citizens* (Arkansas Press Association, 2026), 15, https://media.ark.org/ag/APA-045-2026-FOIA-Handbook-22nd-Edition.pdf.
[179] 5 Ill. Comp. Stat. § 140/6 (2014).
[180] W. Va. Code § 29B-1-3(e) (2015).

other governmental programs verify residency.[181] Another subcommittee member voiced opposition to this recommendation because they believed that out-of-state requestors could utilize New Mexican records to the benefit of New Mexicans, even if said requestors were not involved in journalism. They also raised concerns about public records access for New Mexicans who may find it more difficult to verify their residency with certain forms of documentation. In response, a Task Force member suggested that out-of-state requestors could coordinate with someone in New Mexico to make a request if needed, and shared that this recommendation could prove useful in deterring automated requests.

Subcommittee 2 did not share changes to this recommendation before the next Task Force meeting on September 16, 2026, but did present a different suggestion to the Task Force: to either ban requests from those outside of the United States ("U.S."), or to eliminate a responsibility to respond to said requests. Alternatively, one Task Force member articulated support for a recommendation to impose fees reflective of actual costs on all or specific types of out-of-state requestors, arguing that the most important issue facing the Task Force was the generation of requests by YouTubers and data brokers. Another member echoed the comment about YouTuber requests, and, similarly, a member suggested limiting the recommendation to apply to body camera video requests. Members of the Task Force also expressed concerns about determining who would qualify as an out-of-state or out-of-country requestor. They shared possible examples of those who live in New Mexico with non-citizen status; are deployed service members; are temporarily residing outside of New Mexico but have connections to New Mexico; are victims of crime from other countries; or are parents living outside the U.S. whose children attend school in the U.S.[182]

Later in this meeting, Subcommittee 2 proffered a recommendation to impose a fee on out-of-state requests as a response to the significant number of out-of-state commercial requestors. One Task Force member suggested focusing on the form of requested records as opposed to the type of requestor. Other members requested more specificity, including on the fee determination, the broadness of qualifying records, and the carve-out for media. Finally, one member argued that, to be constitutionally compliant, the fee cannot "be framed as a penalty or a deterrent."[183]

Though not a formal recommendation from Subcommittee 2, members did raise the possibility of regulating 'vexatious' requestors and shared a couple examples of other states' processes for applying such designations. A Task Force member responded by arguing that there was a lack of data on these forms of requests and voiced their concern about labeling a requestor as 'vexatious.'

Subcommittee 2 met again on September 21, 2026, and produced the following recommendation for the Task Force:

[181] At this point in the meeting, one of these members also suggested tying this verification to a form of appeals process.

[182] One member provided further critique by questioning the ability of the Task Force to determine the burden of out-of-country requests due to a lack of data on this topic.

[183] "IPRA Task Force Meeting-20260916_135930-Meeting Recording" (IPRA Task Force Meeting, Albuquerque, 2026), 68, https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Meeting-Transcript-9-16-26-1.pdf.

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

The subcommittee recommends that New Mexico consider different treatment for requests originating outside the state when those requests create substantial costs for New Mexico public bodies.

Options discussed include additional fees for out-of-state requesters and limiting or eliminating the obligation to respond to requests originating outside the United States with an exception from additional fees for news-media providing reporting into the state of New Mexico.

Given the particular burden associated with body-camera and other audio/video records, additional options for consideration include graduated fees after a defined threshold of requests or hours of footage, sequencing multiple requests from the same requester, and additional production time for unusually voluminous requests. If the law allows for such fees, it should require that any fees collected under these provisions be dedicated to increasing resources for IPRA compliance and proactive transparency, including staffing, technology, training and redaction capabilities and that careful records be kept regarding how the funds are used.

The purpose of these measures should be to reduce extraordinary burdens on the IPRA system without unnecessarily restricting ordinary public access to government records.

Any residency or requester classification should also account for legitimate newsgathering and other circumstances in which an out-of-state requester has a legitimate interest in New Mexico public records.

Subcommittee 2 noted that, in its deliberations, concerns were raised that residency verification could create barriers for people without conventional identification, permanent addresses, or the ability to travel to another community to obtain records physically.

Task Force members reviewed this recommendation during their September 23, 2026, meeting. One member argued that this would address the issue of New Mexicans contributing to IPRA's implementation for the benefit of out-of-state requestors. Another member again pointed out that there were potential difficulties in verifying residency, including for those who may not have a permanent address or a driver's license. Following a member's suggestion to establish a stronger recommendation that focused on body camera footage—in response to public comment on the time intensity of footage review—the Task Force discussed amending the recommendation to read:

DRAFT RECOMMENDATION

The Task Force recommends that the New Mexico Legislature adopt a statutory scheme to require out-of-state requests for body camera footage to pay a rate for review of body camera footage that reflects the actual cost of review and redaction.

The member who proposed the amendment clarified that this recommendation would not apply to out-of-state requestors seeking any other form of record, nor to in-state requestors seeking body camera footage. This member also stated that the "rate for review" could be tied to different aspects of the actual cost of production—for example, an hourly rate (of footage, or for redaction), or a fee per video—and should not be used to "penalize" or "profit from"[184] out-of-state requestors, in order to conform with the federal case law that they had researched.

Some components of the earlier recommendation were then reintroduced by the Task Force. After dis-

[184] "IPRA Task Force Meeting-20260923_090041-Meeting Recording" (IPRA Task Force Meeting, Albuquerque, 2026), 78-9, https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Meeting-Transcript-9-23-26-1.pdf.

cussing the need for carve-outs for "media," "victims' rights advocates," and "civil liberties organizations," the Task Force incorporated the last sentence of the original recommendation (beginning with, "Any residency or requestor classification…"). The Task Force also left in the original recommendation's provision to dedicate collected fees to IPRA's implementation after a member noted that, if these fees were meant to address the cost of request fulfillment, they should be dedicated to such work. The requirement for records to be kept on these fees' apportionment was removed following another member's comment that it would create a new recordkeeping burden. The Task Force then approved this amendment but did not vote on approving the amended recommendation.

The Task Force revisited this recommendation at the start of its September 29, 2026, meeting. One Task Force member shared feedback that they had received and that was sent to some Task Force members shortly before the meeting. While not incorporable as public comment,[185] multiple Task Force members believed it important to acknowledge the concerns shared about requestor verification requirements, wherein a person would need to submit their personal information (e.g., an address) to request records. Received feedback detailed how such a requirement could negatively impact those who may not wish to share personal information (e.g., victims of crime) and those who may not be able to provide proof of residency (e.g., those who do not have a permanent address). In response to these concerns, the Task Force amended the recommendation to "account for victims' rights, indigency, [and] those who are unhoused." Task Force members further debated whether to approve this recommendation because of these potential consequences, with one member suggesting that a permissive structure, such as signing an affidavit attesting residency, could avoid these identified issues.

Another member of the Task Force shared that they would support a flat fee, but not a rate attached to actual costs of production, as this would require public entities to track and justify charges. In response, a member noted that charges could not be punitively placed on out-of-state requestors, and therefore that levied fees would need to reflect actual costs in some form.

The Task Force then voted on and approved the following recommendation:

FINAL RECOMMENDATION · APPROVED

The Task Force recommends that the New Mexico Legislature adopt a statutory scheme to require out-of-state requests for body camera footage to pay a rate for review of body camera footage that reflects the actual cost of review and redaction. Any residency or requestor classification should also account for victims' rights, indigency, those who are unhoused, legitimate newsgathering, and other circumstances in which an out-of-state requestor has a legitimate interest in New Mexico public records. If the law allows for such fees, it should require that any fees collected under these provisions be dedicated to increasing resources for IPRA compliance and proactive transparency, including staffing, technology, training and redaction capabilities.

Six members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed, and Mr. Eshleman, New Mexico Association of Counties Task Force appointee, abstaining.

[185] The Task Force's public comment period was closed on September 24, 2026; see Appendix A for more information on the public comment period.

CHAPTER IV

Sensitive Records

FINAL RECOMMENDATION · APPROVED

Protection of Children and Other Victims: The Task Force recommends a coordinated review of the Children's Code, victims' rights statutes, and IPRA-related confidentiality provisions to strengthen and clarify protections for children and vulnerable victims. The review should include CYFD, children's advocacy organizations, victims' advocates, law enforcement entities including the New Mexico Department of Justice, criminal defense attorneys, transparency advocates, and other affected parties. Particular attention should be given to whether confidentiality protections should follow sensitive records when those records are transferred to or held by law enforcement, district attorneys or other public bodies. The review should also consider expanding protection of identifying information for juvenile victims and witnesses and victims of additional serious offenses, while preserving appropriate access for attorneys, courts and authorized parties. Any changes should protect sensitive victim information without creating overly broad exemptions that unnecessarily hinder public oversight of government.

Seven members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed.

CLARIFYING POSITION
Lalita Moskowitz | Organizational Representative for the American Civil Liberties Union of New Mexico

The ACLU of New Mexico agrees that IPRA does and should consider the privacy and safety of vulnerable people, especially children. The Task Force received some specific recommendations, such as from the New Mexico Coalition of Sexual Assault Programs, that were narrowly tailored to address an identified problem. The Task Force's recommendation, however, is both broad and vague, suggesting review of several different statutes beyond the purview of the mandate it was given. The Task Force spent very little time examining the benefits and potential unintended consequences of this recommendation, such as impact on essential oversight of law enforcement agencies, including local police departments and jails. For these reasons, the ACLU of New Mexico could not support its inclusion as drafted.

CLARIFYING POSITION
Greg Williams | Organizational Representative for the New Mexico Foundation for Open Government

Greg Williams, representing the New Mexico Foundation for Open Government on the Task Force, states that no governmental activity requires more public vigilance than the care of children and victims. Transparency is an essential part of protecting these most vulnerable New Mexicans. The Legislature may, on occasion, limit access to the identities of children and victims when necessary for their own safety and well-being, but it must ensure that restrictions on transparency go no further.

The treatment of these often powerless citizens by law enforcement, CYFD, and the judicial system requires close public oversight, and constraints on access to public records regarding these issues must be narrowly tailored. As to the transfer of "sensitive records," it should be noted that when a record comes into the possession of law enforcement, it may change character for IPRA purposes; in other words, once a police entity receives a record, the public interest in oversight of law enforcement and the judiciary increases the need for transparency of the record. As a result, the Legislature should not enact an inflexible rule that a particular record is always exempt from IPRA regardless of who holds it. Nor, in any event, should the Legislature accord confidentiality to records generated by law enforcement, even when they concern children. Similarly, in regard to protecting identifying information for victims and witnesses, Section 14-2-1.2 of IPRA already protects names, addresses, contact information or protected personal identifier information of victims and witnesses of a number of serious crimes. Any further statutory amendment of this type would unduly restrict transparency in law enforcement and the judiciary.

IPRA's Structure

Numerous provisions pepper IPRA, as well as interlinked statutes and rules, that attempt to protect the privacy of individuals amidst public records releases. Because the Task Force subcommittee[186] that studied and presented recommendations on associated 'sensitive records' focused on those relating to children and victims of crime, the following analysis similarly centered on these two overarching record types.

Several special protections for children's records are established through statute and rule. Within IPRA, Section 14-2-1.2(A)(1)(g) lists the "sexual exploitation of children pursuant to Section 30-6A-3 NMSA 1978" as a form of alleged crime, wherein victim and witness's personal identifier information is protected.[187] Additional protections are provided outside of IPRA but in statute. Records pertaining to specific investigations or proceedings under New Mexico's Children's Code[188] are presumptively exempt from disclosure under IPRA.[189] For example, the Delinquency Act[190] within this Code restricts access to certain records "obtained by the juvenile probation office, parole officers and the juvenile public safety advisory board or in possession of the [Children, Youth and Families Department (CYFD)],"[191] and the Family in Need of Court-Ordered Services Act[192] deems records as confidential when "obtained as a result of an investigation…"[193] Outside of statute, Rule 11-509 NMRA restricts the admission into evidence of confidential communications to juvenile probation officers and social service workers.[194] This is a non-exhaustive list of protections that nevertheless

[186] The Task Force's Subcommittee 2 focused on the receipt of and response to records requests, and was composed of Mr. Eshleman, Ms. Mills, and Ms. Moskowitz. More information about this and the other two Task Force subcommittees can be found in Appendix A.

[187] N.M. Stat. Ann. § 14-2-1.2 (2023).

[188] See N.M. Stat. Ann. §§ 32A-1-1 to -28-42 (2025).

[189] For example, see N.M. Stat. Ann. § 32A-3B-22(A) (2005); §§ 32A-4-33(A) and (D) (2025); § 32A-5-8 (2009); § 32A-6A-24(A) (2024).

[190] See N.M. Stat. Ann. §§ 32A-2-1 to -33 (2025).

[191] N.M. Stat. Ann. § 32A-2-32(A) (2025).

[192] See N.M. Stat. Ann. §§ 32A-3B-1 to -22 (2022).

[193] N.M. Stat. Ann. § 32A-3B-22 (2005).

[194] For additional analysis and case examples, see the NMDOJ's IPRA Guide, Ninth Edition (New Mexico Department of Justice, *The Inspection of Public Records Act: A Compliance Guide on Government Transparency for New Mexicans and their Public Officials* (New

demonstrates the complexity and interlocking nature of legal mandates surrounding the public release of children's sensitive records.

The Act provides further carve-outs for specific records related to victims of crime. Section 14-2-1.2 allows for redaction of specified "personal identifier information" for victims and witnesses of any of seven types of alleged crimes, as well as those "accused but not charged with a crime." It further enables redaction of particularly sensitive information, including showings of "severe violence," "intimate body parts," and "notification… of a family member's death." The section specifies that, if these records are reviewed "on-site," these redactions are not allowed unless applied to confidential materials.[195] Additional protections are listed in Section 14-2A-1 (prohibition against the commercial solicitation of victims),[196] in the New Mexico Constitution (conferral of various rights[197] "including the right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process"[198]), and in the Victims of Crime Act[199] (conferral of various rights[200]).[201] As with the preceding paragraph, this is a non-exhaustive list of victims and witnesses' records protections that illustrate these complicated legal affordances.

Expressed Need for Improved Sensitive Records Treatment

The tension between statutory protections for sensitive records and IPRA's implementation was well illustrated in public comments received by the Task Force. Governmental commenters and those with governmental affiliations shared concerns on the current implementation of IPRA, including in the release of children's records[202] (for example, by law enforcement agencies[203] and educational institutions[204]) and graphic material.[205] Others requested additional exemptions for personal information[206]; medical information[207]; sensitive information,[208] such as those held by "first responders[ ]and detention centers"[209]; law enforcement or criminal justice records[210]; physical[211] or digital[212] security information; and victim and witness statements.[213] Conversely, members of the public broadly cautioned the Task Force against recommending expansion of exemptions,[214] although some commenters specifically advocated for the protection of forensic interviews[215] or raised concerns on the release of children's records.[216] Non-governmental commenters also requested clarity

Mexico Department of Justice, 2024), https://nmdoj.gov/wp-content/uploads/NMDOJ-IPRA-Guide-Ninth-Edition-25.03.21.pdf).

[195] N.M. Stat. Ann. § 14-2-1.2 (2023).

[196] N.M. Stat. Ann. § 14-2A-1 (1993).

[197] N.M. Const. art. II, § 24.

[198] New Mexico Department of Justice, *The Inspection of Public Records Act*, 31.

[199] See N.M. Stat. Ann. §§ 31-26-1 to -15 (2019).

[200] N.M. Stat. Ann. § 31-26-4 (2019).

[201] For additional analysis and case examples, see the NMDOJ's IPRA Guide, Ninth Edition (New Mexico Department of Justice, *The Inspection of Public Records Act*).

[202] See 018, 028, 099, 100, 104, 174, 185, 259.

[203] See 101, 300.

[204] See 021, 024, 189.

[205] See 014, 015, 239.

[206] See 073, 087, 165, 248, 277, 284, 286. Two commenters requested an expanded exemption specifically for victims' personal information (see 165, 175).

[207] See 175, 277.

[208] See 151.

[209] See 279.

[210] See 013, 165, 238, 308.

[211] See 161, 259.

[212] See 020.

[213] See 121.

[214] See 079, 108, 148, 225, 229, 267.

[215] See 047, 240, 288, 307.

[216] See 163, 245.

on extant exemptions, or lack thereof,[217] and for custodians to be required to provide more detailed information in communications about records withholding.[218, 219]

In response to these expressed concerns, Subcommittee 2 discussed gaps in the protection of sensitive records involving children and crime victims, particularly victims of sexual assault. They also noted that public commenters raised specific concerns about child forensic interviews, which can contain highly sensitive accounts of abuse and may not be clearly protected in all circumstances under current law. The subcommittee also discussed whether existing protections for personal identifying information should be expanded to additional victims, such as victims of sexual assault and other sensitive crimes.

Recommendation for Review of Children's & Other Victims' Records Protections

Subcommittee 2 met on August 27, 2026, and on September 2, 2026, and decided to present the following recommendation to the full Task Force:

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

Recommend a coordinated review of the Children's Code and IPRA to strengthen protections for children and other vulnerable victims without creating overly broad exemptions that unnecessarily limit public oversight of government.

At the Task Force's September 3, 2026, meeting, one subcommittee member shared that, while the subcommittee had found consensus around children's records, they did not agree on whether this recommendation should apply to other types of records. Contrastingly, one Task Force member suggested further expanding the recommendation by incorporating the Victims of Crime Act. A subcommittee member additionally noted that the recommendation called for a "coordinated review" because of the expertise that those more familiar with the Children's Code could bring to such a process.

Task Force members discussed this recommendation again during their September 16, 2026, meeting, with a subcommittee member including the "victims' rights statute"[220] in their modified reading of the recommendation. Several Task Force members voiced their support; one member discussed the need to address identical records' fragmented protections across public entities (i.e., protection as dependent on whether they were possessed by CYFD or another entity). Conversely, another member expressed concerns about potential unintended consequences of this recommendation—given that the Task Force did not have expertise in the Children's Code—and the application of this review to statutes outside of IPRA. A member also raised the importance of including the rights of those accused of, charged with, or convicted of crimes, in such a review.

Following this, Subcommittee 2 met on September 21, 2026, and amended their recommendation to read:

[217] See 047, 275.

[218] See 140, 311.

[219] Additionally, one commenter highlighted the importance of protecting individuals' personal information, but did not advocate for specific recommendations (see 217).

[220] "IPRA Task Force Meeting-20260916_135930-Meeting Recording" (IPRA Task Force Meeting, Albuquerque, 2026), 42, https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Meeting-Transcript-9-16-26-1.pdf.

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

The subcommittee recommends a coordinated review of the Children's Code, victims' rights statutes, IPRA and related confidentiality provisions to strengthen and clarify protections for children and vulnerable victims.

The review should include CYFD, children's advocacy organizations, victim advocates and other affected parties. Particular attention should be given to whether confidentiality protections should follow sensitive records when those records are transferred to or held by law enforcement, district attorneys or other public bodies.

The review should also consider expanding protection of identifying information for juvenile victims and witnesses and victims of additional serious offenses, while preserving appropriate access for attorneys, courts and other authorized parties.

Any changes should protect sensitive victim information without creating unnecessarily broad exemptions that prevent legitimate public oversight of government.

During the next Task Force meeting on September 23, 2026, one subcommittee member noted that they would have limited the recommendation's review to materials, such as child victims' forensic interviews, that the Children's Code exempts from disclosure if held by CYFD. Another Task Force member responded by positing that these appeared to be two separate issues: the need to standardize confidentiality based upon the form of a record and not its governmental possessor, and the need for greater protections for children's and other victims' statements. They agreed, however, that the recommendation seemed overly broad. A few Task Force members voiced support for this recommendation, citing the lack of consistency across statutes regarding sensitive records, [221] and one member argued that the last portion of the recommendation provided a needed balancing to the proposed review.

In an attempt to address members' concerns about the perspectives present in a review, the Task Force amended the recommendation to insert "law enforcement entities including the New Mexico Department of Justice, criminal defense attorneys, transparency advocates, and other affected parties" after "victims' advocates." A Task Force member explained that their suggested incorporation of "criminal defense attorneys" was to bring in a perspective on the potential impacts of released records to these attorneys' clients.

The Task Force also discussed the language of "legitimate public oversight" in the recommendation. One subcommittee member stated that this phrase was intended to encourage the recommended review to consider the importance of public oversight; a Task Force member agreed with including such a sentiment, but argued that there is no illegitimate public oversight. Following discussion, the Task Force adopted alternate language to read: "without creating overly broad exemptions that unnecessarily hinder public oversight of government." The Task Force then approved the following recommendation:

[221] One Task Force member specifically referred to a public comment that indicated that the release of victims' records was problematic.

FINAL RECOMMENDATION · APPROVED

Protection of Children and Other Victims: The Task Force recommends a coordinated review of the Children's Code, victims' rights statutes, and IPRA-related confidentiality provisions to strengthen and clarify protections for children and vulnerable victims. The review should include CYFD, children's advocacy organizations, victims' advocates, law enforcement entities including the New Mexico Department of Justice, criminal defense attorneys, transparency advocates, and other affected parties. Particular attention should be given to whether confidentiality protections should follow sensitive records when those records are transferred to or held by law enforcement, district attorneys or other public bodies. The review should also consider expanding protection of identifying information for juvenile victims and witnesses and victims of additional serious offenses, while preserving appropriate access for attorneys, courts and authorized parties. Any changes should protect sensitive victim information without creating overly broad exemptions that unnecessarily hinder public oversight of government.

Seven members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, opposed.

CHAPTER V

Duty to Respond

FINAL RECOMMENDATION · APPROVED

The Task Force recommends that the Legislature establish a duty to respond wherein a requestor must respond to a custodian's good-faith request for payment of fees authorized under IPRA within a specified timeline, or the request may be closed.

All members voted in favor.

IPRA's Implementation & Expressed Need for a Duty to Respond

IPRA does not explicate a time period for which a public body must keep a request open after a custodian sends a communication to a requestor but receives no response. These non-response circumstances may include a requestor's failure to respond to a custodian's request for clarification[222]; to pay lawfully assessed fees under IPRA; or to arrange for inspection or collection of records, either in person or electronically, once made available. In these and other examples, public records requests may therefore be left pending by default. The lack of statutory standardization for dealing with such requests leaves each public entity to determine for themselves the proper deference owed to a requestor's communication timelines.

In comments received by the Task Force, governmental commenters discussed records requests wherein a public body is awaiting clarification to identify responsive records[223] or for a requestor to inspect or collect released records.[224] One governmental commenter noted that their determined practice is to provide "the full initial 15 days to respond [to a clarification request], but then the request can be closed with the option to reopen if clarification is provided."[225] Members of the public commented on the importance of requestor and custodian collaboration in clarifying a records request,[226] and how early clarification can help mitigate the breadth or burden of a request.[227]

A Subcommittee 3[228] member ascribed these concerns to a lack of statutory standardization for request abandonment. They noted that a statutory abandonment provision should provide administrative certainty,

[222] Clarification may be needed if the requestor did not "identify the records sought with reasonable particularity" (N.M. Stat. Ann. § 14-2-8(C) (2009)), or did not include the required information for law enforcement audio or video records requests (N.M. Stat. Ann. § 14-2-1.2(B) (2023)).
[223] See 046, 171, 205, 227, 284.
[224] See 284.
[225] See 284. This is also current NMDOJ practice.
[226] See 265.
[227] See 064.
[228] The Task Force's Subcommittee 3 focused on IPRA enforcement and delayed production, and was composed of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. More information about this and the other two Task Force subcommittees can be found in Appendix A.

not restrict access to public records. They suggested that such a provision should identify specific grounds for closure, require clear notice and a reasonable response period, and protect the requestor's ability to challenge an improper closure. This member further clarified that a request should not be considered abandoned merely because it is determined to be excessively burdensome or broad, because the requestor declines to narrow or specify the extent of their request, or because the requestor does not reach out while awaiting a public entity's response.

Review of Select States' Frameworks

Several states expressly address abandoned or inactive requests for public records in statute or rule. For example, Oregon's public records law directs a public body to close a request when the requestor fails to pay an authorized fee or fails to respond to a good-faith request for additional information or clarification. Texas considers a request withdrawn if the requestor does not respond in writing to a written clarification or additional information inquiry within the statutorily designated period. Washington has model rule guidance for the closing of requests or for halting assemblage of records when the requestor does not inspect records made available, or the requester withdraws or fails to meet payment obligations. These examples—while not a comprehensive listing of states' frameworks—were shared by a subcommittee member and are included in Table 6.

Table 6: Select States' Abandonment or Withdrawal Provisions

STATE	CLOSURE TYPE	ESTABLISHING LANGUAGE
Oregon	Fees and Informational Requests	"(3)(a) If a public body has informed a requester of a fee…, the obligation of the public body to complete its response to the request is suspended until the requester has paid the fee, the fee has been waived by the public body… or the fee otherwise has been ordered waived. (b) If the requester fails to pay the fee within 60 days of the date… the public body informed the requester of the fee, or fails to pay the fee within 60 days of the date… the public body informed the requester of the denial of the fee waiver, the public body shall close the request. (4)(a) A public body may request additional information or clarification from a requester… for the purpose of expediting the public body's response to the request. If the public body has requested additional information or clarification in good faith, the public body's obligation to further complete its response… is suspended until the requester provides the requested information or clarification or affirmatively declines to provide that information or clarification. (b) If the requester fails to respond within 60 days to a good faith request… for information or clarification, the public body shall close the request."[229]
Texas	Record Inspection, Fees, Informational Requests	"(d) If by the 61st day after the date a governmental body sends a written request for clarification or discussion… or an officer for public information or agent sends a written request for additional information… the governmental body, officer for public information, or agent… does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn…

[229] Or. Rev. Stat. § 192.329(3) to -(4) (2026).

Table 6 – Continued

STATE	CLOSURE TYPE	ESTABLISHING LANGUAGE
		(e) A written request for clarification or discussion… or a written request for additional information… must include a statement as to the consequences of the failure by the requestor to timely respond…"[230] "(a) A requestor must complete the examination of the information not later than the 10th business day after the date the custodian… makes it available. If the requestor does not complete the examination… within 10 business days… and does not file a request for additional time…, the requestor is considered to have withdrawn the request."[231] "(a) A governmental body shall provide to a requestor the written statement… if the governmental body determines: (1) that responding… will require programming or manipulation of data… (d) On providing the written statement…, the governmental body does not have any further obligation… unless within 30 days the requestor [responds]… (d-1) If a requestor does not make a timely written statement…, the requestor is considered to have withdrawn the request…"[232]
Washington	Record Inspection, Fees, Informational Requests	"(12)… When the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill… obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer will close the request and, unless the agency has already indicated in previous correspondence that the request would be closed…, indicate to the requestor that the (name of agency) has closed the request."[233]

Recommendation for a Duty to Respond

Subcommittee 3 met on August 28, 2026, and September 2, 2026, after which they presented the following recommendation to the full Task Force:

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

A 'duty to respond' should be established within the Inspection of Public Records Act, wherein there is a specific timeline during which a requestor must respond to a custodian if they do not wish for their request to be closed.

The Task Force discussed this recommendation during their September 3, 2026, meeting, with two members noting the difficulty of having large numbers of fulfilled, or partially fulfilled, uncollected requests. Subcommittee members confirmed that, in a response to a custodian's request for clarification, a requestor's refusal to clarify their request would satisfy any duty to respond. A couple members expressed reservations: One member raised the possibility of public entities automating clarification requests to screen out records

[230] Tex. Gov't. Code § 552.222 (2015).
[231] Tex. Gov't. Code § 552.225 (2005).
[232] Tex. Gov't. Code § 552.231 (2005).
[233] Wash. Admin. Code § 44-14-040 (2018).

requests, and another shared the concern that this communications requirement could intimidate requestors. They also noted that the option to request clarification already exists for IPRA request processing.

During its second round of meetings the week of September 7, 2026, Subcommittee 3 expanded their recommendation to restrict applicable custodial communication to "good-faith communication," and to explicitly apply this duty to the payment of fees:

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

A 'duty to respond' or an abandonment timeline should be established within the Inspection of Public Records Act, wherein a requestor must respond to a custodian's good-faith communication within a specified timeline if they do not wish for their request to be closed. This timeline should also apply to payment of a requested fee authorized under IPRA.

At the Task Force's September 16, 2026, meeting, some members expressed support for this recommendation, while others questioned whether it would address an existing problem. One member pointed out the lack of data on request abandonment, while, in response, another member shared that there had been public testimony to the Task Force on this issue. Another member argued that this recommendation placed a burden on requestors, and posited that public entities could misuse this provision by sending routine communications to requestors with the purpose of reducing demand. However, they indicated their support for the recommendation's fee component.

This recommendation was next addressed at the Task Force's September 29, 2026, meeting.[234] Members discussed what "good-faith communication" could look like (e.g., requests for clarification, requests for the requestor to communicate their continued interest in rolling production), with one member sharing their concern that these communications could be routinized by custodians to eliminate requests. Later in the meeting, one Subcommittee 3 member clarified that there was no required form of response; that is, any response from a requestor, such as a denial to provide clarification, would fulfill this duty. A Task Force member asked if there was data that could provide insight into the scale of request abandonment after fee communications, to which a member responded that, while there was not sufficient data, they had experienced a significant number of records productions left uncollected by requestors. They and another Task Force member agreed that the failure to collect records, to respond to clarification requests, and to respond to fee requests were the main forms of abandonment.

In response to some members' shared concerns regarding the bounds of "good-faith communication," the Task Force amended the recommendation to refer solely to communications about the payment of fees. The Task Force then approved the following recommendation:

FINAL RECOMMENDATION · APPROVED

The Task Force recommends that the Legislature establish a duty to respond wherein a requestor must respond to a custodian's good-faith request for payment of fees authorized under IPRA within a specified timeline, or the request may be closed.

All members voted in favor.

[234] The recommendation was not addressed during the Task Force's September 23, 2026, meeting due to time constraints.

CHAPTER VI

Penalties

FINAL RECOMMENDATION · APPROVED

The Task Force recommends that the Legislature consider articulating a non-exclusive set of factors for courts to consider when awarding statutory per diem penalties under Section 14-2-11 and when determining whether a denial is unreasonable.

Five members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed, and Ms. Mills, New Mexico Press Association Task Force appointee, abstaining.

CLARIFYING POSITION
Lalita Moskowitz | Organizational Representative for the American Civil Liberties Union of New Mexico

The ACLU of New Mexico is unclear what problem this recommendation seeks to address. The Task Force did not receive any public comment or evidence that courts are struggling to evaluate whether a denial is unreasonable or that they are coming to inappropriate conclusions in conducting this analysis. Damages awards vary case to case based on the facts of each. As the law stands, both requestor and custodian may present any and all relevant evidence to the court for consideration. Therefore, any list of factors adopted by the Legislature would merely serve to unnecessarily limit what evidence courts may consider. The ACLU of New Mexico sees no evidence that this recommendation, if adopted, would assist custodians or requestors or otherwise improve implementation of IPRA.

CLARIFYING POSITION
Greg Williams | Organizational Representative for the New Mexico Foundation for Open Government

Greg Williams, representing the New Mexico Foundation for Open Government on the Task Force, opposes this recommendation because there is no need for the statutory amendment contemplated by this recommendation. The recommendation appears to call for an amendment to Section 14-2-11(C), which states that, when a records custodian does not provide a written explanation of denial within 15 days of a request, a requestor may be entitled to damages, not to exceed 100 dollars per day, if a court determines that the failure to provide a timely explanation of denial is unreasonable. Courts routinely make these types of assessments in a variety of circumstances based on the evidence before them. The current statute permits both custodians and requestors to present any relevant evidence on the issue of reasonableness, and a court can then use the entirety of the circumstances in considering the issue. There has been no public comment or other evidence that courts are having any difficulty interpreting this provision, or apply it unfairly. Setting forth a list of factors to consider, even a "non-exclusive list," serves only to limit evidence and restrict a court's ability to interpret the statute in a way that carries out the transparency interests underlying IPRA.

IPRA's Implementation

If a plaintiff proves a violation of IPRA under the Act's Section 14-2-11,[235] they may recover penalties and damages as prescribed by IPRA's two distinct remedies tracks.[236, 237]

The Act's first track—enforcement of a wrongful denial—is established in Section 14-2-12. When a public entity denies a request through a timely, conforming, written explanation and the requestor sues and wins, the court may issue a writ of mandamus or injunction to compel production of the records in question.[238] Additionally, the court "shall award damages, costs and reasonable attorneys' fees."[239] In *Faber v. King*, the New Mexico Supreme Court held that the "damages" available under Section 14-2-12 are only actual, or compensatory, damages.[240] This is distinct from IPRA's statutory per diem penalty and from punitive damages,[241] leading to two practical points of note: First, these damages may be nominal or unprovable, as the injury resulting from a requestor's delayed access to records may be difficult to quantify. Second, the Court pointed to the extremely high per diem penalty awarded by the district court as an "absurd result," confirming that the Legislature did not intend per diem damages to be available under Section 14-2-12.[242]

IPRA's second track—enforcement of a procedural default—is described in Section 14-2-11. This statutory, 100-dollars-a-day ("per diem") penalty is triggered not by a record custodian's wrongful withholding of responsive material, but by the public entity's failure to respond within IPRA's statutory timelines or to deliver a valid written explanation for their denial of a request. The penalty 1) becomes mandatory once the failure is found to be "unreasonable"; 2) is discretionary in the awarded amount from zero- to 100-dollars-per-day; 3) "accrue[s] from the day the public body is in noncompliance until a written denial is issued"; and 4) is "payable from" public funds.[243] Under *Britton v. Office of the Attorney General*, a court may award the per diem penalty when a public body provides an incomplete or inadequate response (e.g., the production of some records and the withholding of others with no conforming explanation).[244]

The line between the two tracks, set by *Faber* and refined by *Britton*, is procedural. A timely, conforming, good-faith, written denial keeps the public body compliant with IPRA and outside the per diem regime, even if the denial is later found to be unlawful.[245] It is the absence of such a response (i.e., no response, an incomplete production, or a non-conforming denial) that exposes the public entity to IPRA's per diem penalties.[246]

[235] N.M. Stat. Ann. § 14-2-11 (1993).
[236] The edited analysis provided in this chapter was provided by a Subcommittee 3 member and does not reflect the legal interpretations of the Task Force as a whole.
[237] See N.M. Stat. Ann. § 14-2-11(C) (1993) and N.M. Stat. Ann. § 14-2-12(D) (1993), and *Britton v. Office of the Att'y Gen.*, 2019-NMCA-002, ¶ 34, 433 P.3d 320 (internal citations omitted).
[238] N.M. Stat. Ann. § 14-2-12(B) (1993).
[239] N.M. Stat. Ann. § 14-2-12(D) (1993).
[240] See *Faber v. King*, 2015-NMSC-015, ¶ 32, 348 P.3d 173.
[241] See 2015-NMSC-015, ¶ 26, 348 P.3d 173.
[242] See 2015-NMSC-015, ¶ 34, 348 P.3d 173.
[243] N.M. Stat. Ann. § 14-2-11(C) (1993).
[244] See 2019-NMCA-002, 433 P.3d 320.
[245] "Right or wrong, the Attorney General's Office was entitled to present its reasons for nonproduction… up to the time of decision, the Attorney General was in compliance with IPRA." See 2015-NMSC-015, ¶ 30, 348 P.3d 173.
[246] See 2019-NMCA-002, ¶ 16, 433 P.3d 320.

Expressed Need for Clarity in Court Awards

Public comments submitted to the Task Force focused on, alternately, the importance of IPRA's current penalty structure or the burden of high allowable awards. Members of the public stated that the attorney fee-shifting and penalties provisions serve as critical IPRA enforcement mechanisms,[247] while noting that these provisions do not guarantee that a litigant is able to recoup costs.[248] Governmental commenters focused on the pressure of the uncapped 100-dollars-a-day penalty[249] and shared concerns about requestors who may intentionally wait to bring suit to accumulate a greater award[250] or to tie up the workings of a public body.[251] Governmental commenters specifically shared that, even before litigation, the perceived cost of litigation adds pressure to decisions to redact or withhold.[252]

The Task Force received several comments with suggestions for amending this portion of IPRA or strengthening its enforcement. Commenters from governmental entities requested that total damages be capped[253]; that attorney fee-shifting be ended[254] or capped[255]; that the per diem penalty be applied after the start of litigation[256]; that the intent or interpretation of the custodian be considered in calculating damages[257]; or that a percentage of damages be directed to supporting "government transparency."[258] Non-governmental commenters advocated for "automatic financial consequences"[259] or that fee-shifting and penalties be "strengthen[ed]."[260]

Review of Select States' Remedies

Compensatory or punitive damages exist in a handful of states, often as modest statutory amounts.[261] These regimes are evidenced in North Dakota's 1000 dollar award (or actual damages, whichever is greater),[262] Wisconsin's 100-dollar floor,[263] Michigan's 1,000-dollar punitive award,[264] and Minnesota's exemplary award for a "willful violation."[265] Some states add civil fines, which can be structured as flat per-violation amounts that escalate for repeat offenders (e.g., New Jersey, Virginia[266]) or as per-day penalties for delay (e.g., Washington, Louisiana, Kentucky, Ohio[267]).

[247] See 060, 233, 234, 265, 269.
[248] See 275.
[249] See 023, 026, 166, 273.
[250] See 073.
[251] See 273.
[252] See 023, 033.
[253] See 073, 091, 221.
[254] See 221.
[255] See 258.
[256] See 039.
[257] See 073, 088, 109, 168.
[258] See 273. Also see 258.
[259] See 063.
[260] See 234. Also see 049.
[261] This is the edited determination of one Subcommittee 3 member who produced writing for this chapter. It is based on information provided by the Reporters Committee for Freedom of the Press ("11. Fines," Reporters Committee for Freedom of the Press, RCFP, accessed October 13, 2026, https://www.rcfp.org/open-government-sections/11-fines/) and should be confirmed by a direct statute-by-statute analysis.
[262] N.D. Cent. Code § 44-04-21.2 (FindLaw 2024).
[263] Wis. Stat. Ann. § 19.37(2)(a) (1997).
[264] Mich. Comp. Laws § 15.240(7) (2015).
[265] Minn. Stat. § 13.08, subd. 1 (2016).
[266] See Table 7 for statutory citations.
[267] See following paragraph for statutory citations.

For those states that tie damages to a per diem measure, Washington imposes up to 100 dollars for each calendar day that access was wrongfully denied, regardless of intent, and does not place a cap on damages.[268] Louisiana matches this 100-dollars-a-day ceiling but excludes weekends and holidays and requires the custodian to have "unreasonably or arbitrarily failed to respond."[269] Kentucky allows a maximum 25-dollars-a-day penalty, but places it behind a "willfully withheld" standard.[270] Ohio caps its 100-dollars-per-business-day penalty at 1,000 dollars, converting a per-day penalty into a modest fixed maximum.[271]

Among these four states, the per diem penalty is attached to the wrongful denial of access to public records. New Mexico's per diem penalty is not. Under *Faber*, a good-faith conforming denial, even one later held to be unlawful, carries no per diem damages.[272] An IPRA violation can therefore generate the largest damages out of the aforementioned four states in situations of governmental stonewalling or incomplete production, but it offers public entities a safe harbor of timely, conforming, and good-faith denials that these four comparator states do not provide.

Table 7 provides examples of select states' approaches to calculating penalties in response to open records law violations. States are sorted by their penalty structure, which does not represent an official designation but is offered as one mode of conceptualizing differing structures across states.

Table 7: Overview of Select States' Penalty Calculation Structures

STATE	RELEVANT LANGUAGE
Judicially-Established Factors	
Washington	"...mitigating factors that may serve to decrease the penalty are (1) a lack of clarity in the PRA request, (2) the agency's prompt response or legitimate follow-up inquiry for clarification, (3) the agency's good faith, honest, timely, and strict compliance..., (4) proper training and supervision..., (5) the reasonableness of any explanation for noncompliance..., (6) the helpfulness of the agency..., and (7) the existence of agency systems to track and retrieve public records. Conversely, aggravating factors that may support increasing the penalty are (1) a delayed response by the agency, especially in circumstances making time of the essence, (2) lack of strict compliance by the agency..., (3) lack of proper training and supervision..., (4) unreasonableness of any explanation for noncompliance..., (5) negligent, reckless, wanton, bad faith, or intentional noncompliance..., (6) agency dishonesty, (7) the public importance of the issue to which the request is related, where the importance was foreseeable to the agency, (8) any actual personal economic loss to the requestor resulting from the agency's misconduct, where the loss was foreseeable..., and (9) a penalty amount necessary to deter future misconduct... considering the size of the agency and the facts of the case."[273]
Statutorily-Established Factors	

[268] Wash. Rev. Code § 42.56.550(4) (2017)
[269] La. Rev. Stat. § 44:35(E)(1) (2024).
[270] Ky. Rev. Stat. § 61.882(5) (1992).
[271] Ohio Rev. Code § 149.43(C)(3) (2026).
[272] See 2015-NMSC-015, ¶¶15, 31, 348 P.3d 173.
[273] *Yousoufian v. Office of Ron Sims*, 168 Wash. 2d 444, 229 P.3d 735 (2010).

Table 7 – Continued

STATE	RELEVANT LANGUAGE
Illinois	"If the court determines that a public body willfully and intentionally failed to comply…, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than $2,500 nor more than $5,000 for each occurrence. In assessing the civil penalty, the court shall consider in aggravation or mitigation the budget of the public body and whether the public body has previously been assessed penalties for violations of this Act. The court may impose an additional penalty of up to $1,000 for each day the violation continues if: (1) the public body fails to comply with the court's order after 30 days; (2) the court's order is not on appeal or stayed; and (3) the court does not grant the public body additional time…"[274]
Michigan	"If the court determines… that a public body willfully and intentionally failed to comply with this act or otherwise acted in bad faith, the court shall order the public body to pay, in addition to any other award or sanction, a civil fine of not less than $2,500.00 or more than $7,500.00 for each occurrence. In determining the amount of the civil fine, the court shall consider the budget of the public body and whether the public body has previously been assessed penalties for violations of this act…"[275]
Statutorily-Established Tiers	
Rhode Island	"The court shall impose a civil fine not exceeding two thousand dollars ($2,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and a civil fine not to exceed one thousand dollars ($1,000) against a public body found to have recklessly violated this chapter and shall award reasonable attorney fees and costs to the prevailing plaintiff…"[276]
New Jersey	"A public official… who knowingly and willfully violates P.L. 1963, c. 73 (C. 47:1A-1 et seq.), as amended and supplemented, and is found to have unreasonably denied access…, shall be subject to a civil penalty of $1,000 for an initial violation, $2,500 for a second violation that occurs within 10 years of an initial violation, and $5,000 for a third violation that occurs within 10 years of an initial violation…"[277]
Virginia	"A. …the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer… a civil penalty of not less than $500 nor more than $2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than $2,000 nor more than $5,000… B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member… failed to provide public records to a requester… because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter… the court may impose…, a civil penalty of up to $100 per record altered or destroyed, which amount shall be paid into the Literary Fund."[278]

[274] 5 Ill. Comp. Stat. § 140/11(j) (2017).
[275] Mich. Comp. Laws § 15.240b (2015).
[276] R.I. Gen. Laws § 38-2-9(d) (2012).
[277] See N.J. Stat. § 47:1A-11 (Government Records Council, *Open Public Records Act P.L.2001, CHAPTER 404 N.J.S.A. 47:1A-1 et seq. Government Records Council's "Readable" Version* (NJ.gov, n.d.), accessed October 13, 2026, https://www.nj.gov/grc/laws/act/act.pdf).
[278] Va. Code § 2.2-3714 (2022).

Recommendation for Enumerated Penalties Considerations

Subcommittee 3[279] met on August 28, 2026, and September 1, 2026, and decided to present the following recommendation to the full Task Force:

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

An articulation of factors required for consideration by the courts when awarding penalties should be established within the Inspection of Public Records Act.

At the Task Force's September 3, 2026, meeting, members did not provide specific feedback, and Task Force members again reviewed the recommendation during their September 16, 2026, meeting. Mr. Stalter additionally shared the following language for a possible articulation of factors:

> *"In determining the amount of a per diem statutory penalty, the court shall consider the good faith or lack thereof of the custodian, as shown by the facts related to the handling of the request, including but not limited to:*
>
> - *the efforts made by the custodian to identify all responsive records*
> - *whether the custodian provided communications required by IPRA*
> - *whether the custodian fulfilled self-imposed timelines*
> - *whether readily accessible records were provided promptly*
> - *whether the custodian made consistent progress toward fulfillment*
> - *the number and nature of required redactions*
> - *the number and nature of records to be reviewed*
> - *the number and nature of locations to be searched*
> - *whether the custodian made partial or rolling production in response to voluminous requests."*

Several Task Force members voiced support for the overarching recommendation; one member also indicated support for Mr. Stalter's proposal because of its "including but not limited to" language. Another member noted their opposition, arguing that they had not heard of courts struggling with the awarding of per diem penalties and have not encountered unfair awards. This member also expressed trepidation about providing a list of factors that could prove incomplete.

The Task Force discussed the following, amended recommendation at its September 29, 2026, meeting:[280]

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

The Legislature should articulate a set of factors required for consideration by the courts when awarding penalties under the Inspection of Public Records Act.

One member posited that this recommendation would be useful in establishing a "record" of any efforts

[279] The Task Force's Subcommittee 3 focused on IPRA enforcement and delayed production, and was composed of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. More information about this and the other two Task Force subcommittees can be found in Appendix A.

[280] The recommendation was not discussed at the Task Force's September 23, 2026, meeting due to time constraints.

made by a custodian to comply with IPRA.[281] In response to a member's question on the recommendation's applicability, the recommendation was amended by the Task Force to refer explicitly to Section 14-2-11.[282] Another member argued that custodians' perception of being penalized under this provision if they were to make one mistake was incorrect, as the failure in communication would need to be "unreasonable."[283] They added that this recommendation would only limit what the court could consider by statutorily establishing a list. Some Task Force members shared that they were hesitant to agree to recommendations that may obscure differences in opinion due to their broadness. Task Force members later voted on and approved the following recommendation:

FINAL RECOMMENDATION · APPROVED

The Task Force recommends that the Legislature consider articulating a non-exclusive set of factors for courts to consider when awarding statutory per diem penalties under Section 14-2-11 and when determining whether a denial is unreasonable.

Five members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed, and Ms. Mills, New Mexico Press Association Task Force appointee, abstaining.

[281] Task Force members also engaged in discussion on the damages awarded under Sections 14-2-12 and 14-2-11, with a subcommittee member stating that their understanding of the case law was that these remedies were separate, with the former corresponding to actual damages and the latter referring to per diem penalties for an "improper denial" ("IPRA Task Force Meeting-20260929_140052-Meeting Recording" (IPRA Task Force Meeting, Albuquerque), 51, https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Transcript-9-29-26.pdf).

[282] It was additionally amended to refer to a "non-exclusive" set of factors and to "determining whether a denial is unreasonable." "The Task Force recommends that the Legislature consider…" was also replaced with "The Legislature should…"

[283] N.M. Stat. Ann. § 14-2-11(C)(1) (1993).

CHAPTER VII

Ombudsman

FINAL RECOMMENDATION · APPROVED

The Legislature should consider establishing an entity, such as an IPRA Ombudsman or similar Office, to provide assistance to records requestors and custodians alike through educational materials, trainings, and immediate advice (e.g., via a hotline). This ombudsman entity may act as an alternate pathway to resolve disputes aside from litigation through the issuance of non-binding advisory opinions and informal mediation. Additionally, the entity may have the power to collect data on governmental entities' IPRA implementation and regularly submit such data to the Legislature.

Six members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed.

CLARIFYING POSITION

Lalita Moskowitz | Organizational Representative for the American Civil Liberties Union of New Mexico

The ACLU of New Mexico agrees creating a statewide resource to assist in the effective implementation of IPRA is a promising idea. However, the Task Force's recommendation encompasses a huge range of possible options, some of which the ACLU would support, and some which could prove dangerous to public transparency and accountability. For example, the Task Force heard from several custodians that in many circumstances they do not have the legal expertise to evaluate their obligations with respect to redactions and exceptions; this causes stress on smaller entities without in-house counsel and at least one entity shared with the Task Force that evaluating some IPRA requests requires group meetings of five or six people, taking excessive staff resources. An office of general counsel for IPRA could serve all custodians and lead to a more uniform and predictable response from agencies. On the other hand, any requirement to exhaust IPRA complaints with an administrative body, particularly one not effectively insulated from political influence, could be disastrous for transparency, creating lengthy delays and biased decisions that protect powerful government officials from accountability.

While the Task Force learned about the existence of ombudsman offices and public records commissions in other states, it did not receive any information about how those models work in practice and did not come to any conclusion about what approach would align best with New Mexico's existing policy and infrastructure. For these reasons, the ACLU of New Mexico could not support the recommendation as it is presented in this report.

CLARIFYING POSITION
Greg Williams | Organizational Representative for the New Mexico Foundation for Open Government

Greg Williams, representing the New Mexico Foundation for Open Government on the Task Force, states that although there is some appeal to creating a new resource for records requestors and public bodies regarding IPRA compliance, the recommendation is too vague to support. The recommendation could be read to encompass a variety of new entities, ranging from a "hotline" to a mediation process to a full-blown agency. Depending on the form this new office took, the funding provided to it, and the method for oversight of the office, the outcome could be increased bureaucracy resulting in delays in access to public records, which would undermine the statutory intent of IPRA and the right of immediate access to public records. Also, the New Mexico Department of Justice already provides some of these IPRA resources. In sum, FOG opposes this recommendation because it believes a new entity would be redundant and the interests of transparency would be better served by additional funding or provision of resources to the NMDOJ for such services. At any rate, the Legislature does not at this time have sufficient information to create a new entity.

IPRA's Implementation

There is no state entity uniquely tasked with monitoring, directing, or otherwise supporting broad implementation of IPRA, and the NMDOJ is the only state entity with express enforcement powers under the Act. Per Section 14-2-12, the Department may bring suit against a governmental entity for an alleged violation,[284] but it is not explicitly empowered to pursue other forms of binding enforcement or supervisory actions such as formal audits or mandatory trainings. The Department does voluntarily author an IPRA guide[285] and conduct trainings across the state. It also performs several other roles—including receiving IPRA complaints, producing advisory letters, and conducting informal mediation—with the intention of resolving IPRA violations through expedient, out-of-court pathways. This mix of requisite and assumed responsibilities leaves the NMDOJ dually serving as the state's IPRA enforcer while determining which types of non-legal advice or assistance it can offer to governmental entities and the general public.

The absence of statutes or rules describing a state-level implementation body leaves several potential open records roles unassumed. For example, no New Mexican public body 1) provides formal advice to records requestors or custodians, 2) collects data on IPRA (such as the number of received requests, response times, or the number of custodians per entity), 3) has subpoena or investigative powers under IPRA, or 4) has the power to hold IPRA hearings. Other states host ombudsmen—a person or public entity that supports members of the public and the government in engaging with open government laws—which hold some or all of these powers, as well as duties currently within the assumed remit of the NMDOJ.[286]

[284] N.M. Stat. Ann. § 14-2-12 (1993).
[285] See the NMDOJ's IPRA Guide, Ninth Edition for additional analysis (New Mexico Department of Justice, *The Inspection of Public Records Act*).
[286] See Table 8 for relevant examples.

Expressed Need for an Ombudsman

The need for an ombudsman-like entity was demonstrated to the Task Force through the public comment it received and individual Task Force members' shared professional experiences. Relevant issues presented to the Task Force through public comment include the lack of training for new records custodians and the lack of baseline training; the lack of resources for records custodians, in terms of staffing, administrative and legal support, technical support, or available guidance[287]; poor records management[288]; the lack of consistent, standardized data collection on governmental entities' responses to IPRA requests[289]; governmental entities that allegedly violate or seek to avoid IPRA obligations[290]; the absence of non-litigative IPRA enforcement pathways[291]; and vexatious requestors.[292]

Task Force members additionally drew from their own professional experiences to highlight the need for an IPRA ombudsman. Members shared issues such as the absence of a governmental entity that could provide formal advice on IPRA to requestors and custodians; the inability of the NMDOJ to provide this form of advice given its statutorily-mandated enforcement role; the lack of statewide standardization in IPRA interpretation; and the adversarial nature of a purely litigative enforcement process.

Review of Ombudsman Models

Public commenters presented various models of ombudsmen to the Task Force. Several commenters called for or mentioned the utility of creating a general ombudsman-like entity.[293] A couple comments recommended that multiple ombudsmen be established to assist local governments within a region,[294] or that one or multiple ombudsmen assist specific public bodies.[295] Other commenters expressed support for an entity, statewide office, or commission[296] that would alternately provide guidance to members of the public and public bodies,[297] offer training,[298] provide a non-litigative resolution to complaints,[299] "collect statewide compliance data,"[300] or address vexatious requestors.[301, 302] One governmental commenter did note that, while general guidance on applying IPRA would be useful, their entity would still need to conduct more specialized interpretation.[303]

In addition to the recommendations presented in public comments, the Task Force had the opportunity

[287] See 017, 189, 235, 238.
[288] For example, one commenter noted that agency personnel had thanked them for their work in making the agency's own materials public (see 128).
[289] For example, one commenter alleged that their IPRA request for documentation to support shared governmental data did not evidence the claims of the public entity (see 114).
[290] See 049, 056, 063, 067, 093, 115, 122, 145, 160, 183, 190, 208, 212, 215, 217, 222, 224, 234, 237, 252, 260, 261, 266, 267, 268, 271, 275, 281, 283, 284.
[291] See 007, 184, 224, 278, 281, 290.
[292] See 007, 029, 032, 092, 106, 107, 161, 174, 175, 185, 193, 235, 258, 269, 273, 281, 284, 303, 304.
[293] See 176, 226, 240, and comments discussed throughout the paragraph.
[294] See 118, 191.
[295] See 039, 283, 285.
[296] See 007, 092, 153, 265, 280, 284.
[297] See 153, 280, 288. One commenter did not reference an ombudsman-type entity but did recommend the production of educational materials on IPRA for the public and public entities (see 199).
[298] See 284.
[299] See 241, 257, 290.
[300] See 241.
[301] See 007.
[302] One member of the public alternatively advised for an attorney that "oversees the whole state" (see 054).
[303] See 045.

to review ombudsman models from other states during Phases 2, 3, and 4 of its work.[304] During Phase 2, the Task Force dedicated its June 22, 2026, meeting to the topic of an IPRA Ombudsman and Ms. Martinez and Mr. Watson presented on ombudsman models from different states.[305] Additionally, a summary table of selected states' ombudsman-type entities was provided to the Task Force during Phase 4 of its work and is included below as Table 8. Entities are organized by their "Type of Ombudsman," a subjective determination that does not represent an official designation and is offered as one mode of conceptualizing differing work among entities. These bodies may operate across categories and do not represent all possible models nationwide.

Table 8: Overview of Select States' Ombudsman-Type Entities

ENTITY NAME	ESTABLISHING LANGUAGE	SELECT RESPONSIBILITIES
Advisory & Educational		
Arizona Ombudsman Citizens' Aide	Ariz. Rev. Stat. §§ 41-1375 to -1383[306]	• Works to address complaints made against public entities. • Provides trainings and guidance to governmental entities. • Can investigate agencies, with additional statutory provisions made for Arizona's department of child safety and department of corrections investigations. • Submits an annual report on its work to "the governor, the legislature and the public."[307]
Indiana Public Access Counselor	Ind. Code §§ 5-14-4-1 to -14[308]	• Provides trainings for government employees and education materials for the public. • Offers informal advice to public entities and the public. • Publishes advisory opinions on matters unrelated to ongoing litigation. • Shares recommendations to the legislature. • Collects data on records requests via coordination with public agencies. • Works to identify "suspect" requests.[309]

[304] Resources corresponding to subcommittees' areas of focus, including the topic of an ombudsman, were compiled and sent out to the Task Force during Phase 3 of its work (see Appendix A for more information on the Task Force's work phases). The Task Force additionally reviewed several state models during its September 16, 2026, meeting.

[305] The presentation slides are accessible here: https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Slide-Deck-6-22-26.pdf.

[306] Ariz. Rev. Stat. §§ 41-1375 to -1383 (AZleg.gov 2026).

[307] "Arizona Ombudsman," Arizona Ombudsman Citizens' Aide, Azoca.gov, accessed October 12, 2026, https://www.azoca.gov/.

[308] Ind. Code §§ 5-14-4-1 to -14 (2024).

[309] "What We Do," Indiana Public Access Counselor, IN.gov, accessed October 12, 2026, https://www.in.gov/pac/about-us/what-we-do/.

Table 8 – Continued

ENTITY NAME	ESTABLISHING LANGUAGE	SELECT RESPONSIBILITIES
Maine's Public Access Ombudsman	Me. Rev. Stat. Ann. tit. 5, § 200-I[310]	• Collaborates with the state's Right To Know Advisory Committee to provide "interpretive and educational materials." • Provides informal advice to public entities and members of the public. • Offers informal mediation of complaints. • Publishes advisory opinions on matters not related to ongoing litigation. • Works with "state agency public access officers" to collect data on records requests. • Recommends "ways to improve public access…"[311]
New York Committee on Open Government	N.Y. Pub. Off. Law § 89[312]	• Provides guidance and advisory opinions to public entities and members of the public. • Possesses delineated rulemaking authority. • Creates a uniform, digital records request form. • Submits an annual report on its activity and any legislative recommendations to the governor and legislature.[313] • Offers trainings "on request."[314]
Virginia Freedom of Information Advisory Council	Va. Code §§ 30-178 to -181[315]	• Provides guidance and advisory opinions to public entities and members of the public. • Offers trainings and educational materials to public entities "and other interested persons." • Helps public entities comply with noticing and proactive transparency requirements in Section 2.2-3704.1 Code of Virginia.[316]. • Hosts a standardized comment form for requestors to review the service they received from a public entity. • Submits an annual report on its "activities" and any legislative recommendations to the governor and legislature.[317]
Adjudicatory		

[310] Me. Rev. Stat. Ann. tit. 5, § 200-I (2015).
[311] *Id.*
[312] N.Y. Pub. Off. Law § 89 (NYSenate.gov 2022).
[313] *Id.*
[314] "Request a Training," Open Government, New York State, accessed October 12, 2026, https://opengovernment.ny.gov/request-training.
[315] Va. Code §§ 30-178 to -181 (2022).
[316] See Va. Code § 2.2-3704.1 (2023).
[317] Va. Code § 30-179 (2022).

Table 8 – Continued

ENTITY NAME	ESTABLISHING LANGUAGE	SELECT RESPONSIBILITIES
Iowa Public Information Board	Iowa Code §§ 23.1–.12[318]	• Receives complaints from "an aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney." • Possesses rulemaking authority. • Publishes "declaratory orders with the force of law." • Provides informal advice to "any person." • Reviews governmental records and, if necessary, reviews confidential documents; if necessary, sends subpoenas relevant to its cases. • Administers remedies. • Produces educational materials. • Submits an annual report on its activity to the governor and legislature. • Recommends legislation to encourage public access.[319]
Connecticut Freedom of Information Commission	Conn. Gen. Stat. §§ 1-205 to -206[320]	• Conducts trainings for public employees.[321] • Provides informal resolution of complaints. • Holds hearings and determines remedies. • Assigns penalties both for improperly denying access to records and for frivolously appealing to the Commission for relief. • Receives petitions from public agencies for relief from vexatious requestors.[322]

These examples of state ombudsmen-like entities differ significantly in purpose, structure, and size. As with all recommendations proposed by the Task Force, identified solutions should be tailored to match the identified issues present in New Mexico. Key questions therefore shared with the Task Force on the possible establishment of an ombudsman entity include:

- Would the entity be headed by an individual, or be steered by multiple people in the form of a board or commission?
- Would it be an independent body or would it be located within an existing agency or department?
- How would the single or multiple leaders of the entity assume their role (e.g., hiring committee, executive appointment, legislative confirmation)?
- What would the focus or foci of the entity be? Some potential areas of focus include the provision of educational materials and trainings; the collection of data on IPRA's implementation and enforcement; the issuance of purely advisory opinions or of binding advisory opinions; the performance of investigative and subpoena powers; the ability to hold IPRA hearings; the power to unilaterally impose civil penal-

[318] Iowa Code §§ 23.1–.12 (2014).
[319] Iowa Code §§ 23.5–.6 (2014)
[320] Conn. Gen. Stat. §§ 1-205 to -206 (2024).
[321] *Id.*
[322] See Conn. Gen. Stat. § 1-206 (2024) and "About Us," Connecticut Freedom of Information Commission, CT.gov, accessed October 14, 2026, https://portal.ct.gov/foi.

ties, and/or to make referrals for criminal prosecution; and the study and recommendation of legislative amendments to IPRA.[323]

- Must IPRA complaints be directed first to this entity, or could requestors take their alleged violation straight to court?
- Would the entity have a mandated submission deadline for a complaint following the occurrence of an alleged violation?
- Would the entity be a singular, statewide body, include regional or local ombudsmen, or solely consist of regional or local ombudsmen?

Recommendation for an Ombudsman

After reviewing the aforementioned questions, Subcommittee 3[324] presented the following initial, overarching recommendation to the Task Force at its September 3, 2026, meeting:

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

An entity, such as an IPRA Ombudsman or similar Office, should be established to provide assistance to records requestors and custodians alike. This ombudsman entity should act as a mediating, alternate pathway to resolve disputes aside from litigation.

During the meeting, Task Force members affirmed the importance of an ombudsman that would provide resources and assistance, potentially through trainings or informal advice, and noted the inability of the NM-DOJ to provide certain forms of advice due to its statutory enforcement role. Members requested greater specificity in the form and function of the recommended "Office," and one member expressed reluctance around recommending a more robust ombudsman enforcement model with subpoena powers.

Subcommittee 3 reviewed this feedback and decided to present the following recommendation during the Task Force's September 16, 2026, meeting:

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

The Legislature should consider establishing an entity, such as an IPRA Ombudsman or similar Office, to provide assistance to records requestors and custodians alike through educational materials, trainings, and immediate advice (e.g., via a hotline). This ombudsman entity may act as an alternate pathway to resolve disputes aside from litigation through the issuance of non-binding advisory opinions and informal mediation. Additionally, the entity may have the power to collect data on governmental entities' IPRA implementation and regularly submit such data to the Legislature.

At the start of discussion, a Subcommittee 1 member[325] advised Subcommittee 3 to link this recommendation with Subcommittee 1's proactive transparency and state grant funding recommendations. Several members also expressed support for various portions of the recommendation: a Task Force member expressed

[323] These example foci draw from public comments and the models listed in Table 8.

[324] The Task Force's Subcommittee 3 focused on IPRA enforcement and delayed production, and was composed of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. More information about this and the other two Task Force subcommittees can be found in Appendix A.

[325] The Task Force's Subcommittee 1 focused on records storage, management, and retention, and was composed of Mr. Watson and Mr. Williams. More information about this and the other two Task Force subcommittees can be found in Appendix A.

support so long as the alternate mediation pathway would not prevent a requestor from pursuing legal action for an IPRA violation, and other Task Force members voiced support for the "Office" to perform data collection. One member recommended that this latter responsibility be established via rule as opposed to statute. Another member asked about the location of this entity within the government, to which a Subcommittee 3 member replied that the subcommittee had not decided upon a specific location. One Task Force member also noted that, if it were located within the NMDOJ, there would be a continued tension between the Department's advisory and enforcer roles.

The Task Force next reviewed this recommendation at its September 29, 2026, meeting.[326] A Subcommittee 3 member clarified that the "Office" would not provide formal resolution for IPRA complaints, and that it would therefore not interfere with the ability of requestors to file suit under the Act.[327] One Task Force member expressed concern about the recommendation's lack of specificity and the power an "Office" could hold by issuing advisory opinions, although they noted their support for providing guidance and non-litigative options to requestors. A subcommittee member agreed with the member's concern but shared that they supported the recommendation because of its exclusive reference to voluntary measures, and because this entity could assist with data collection. Another Task Force member added that this "Office" could perform an already-approved Task Force recommendation related to data, as well as grant making.[328] The Task Force then voted on and approved the following recommendation:

FINAL RECOMMENDATION · APPROVED

The Legislature should consider establishing an entity, such as an IPRA Ombudsman or similar Office, to provide assistance to records requestors and custodians alike through educational materials, trainings, and immediate advice (e.g., via a hotline). This ombudsman entity may act as an alternate pathway to resolve disputes aside from litigation through the issuance of non-binding advisory opinions and informal mediation. Additionally, the entity may have the power to collect data on governmental entities' IPRA implementation and regularly submit such data to the Legislature.

Six members voted in favor with Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed.

[326] This recommendation was not discussed during the Task Force's September 23, 2026, meeting due to time constraints.

[327] At this point in the meeting, and in response to a Task Force member's questions on the form and location of such an entity, a subcommittee member responded that the recommendation was left intentionally broad in deference to the Legislature.

[328] See Chapter I.

IPRA TASK FORCE REPORT

Considered Recommendations

CHAPTER VIII

Notice & Cure

IPRA's Implementation & Expressed Need for Notice or Cure Processes

When a violation of IPRA occurs—be it through an incorrect redaction or withholding, an inappropriate denial, or a failure to produce all responsive records—requestors, the Attorney General, and the appropriate district attorney are not required to notify the records custodian that a violation occurred. They are instead able to move directly to pursue legal action against the public entity, which can result in an award of "damages, costs and reasonable attorneys' fees" in addition to a writ of mandamus or injunction that would order a record release.[329] Custodians who commit errors while working in good faith may therefore be unaware of a requestor's intent to sue until after a suit is filed; otherwise put, they work without a guarantee that they will have opportunities to address mistakes before an issue is brought to court. Requestors may voluntarily reach out to custodians to seek rectification of a violation, but they would be doing so outside of a routinized communications process.

Public commenters and Task Force members both discussed the consequences of a state open records law that does not contain a notice provision. Comments fell both in support and in opposition of a notice and cure provision: Governmental commenters argued for a provision that would require notice be provided to records custodians in the event of an alleged violation,[330] with one commenter noting that New Mexico's Torts Claims Act and Civil Rights Act require notice within ninety days[331] or a year[332] following alleged injury or violation, respectively.[333] Institutional commenters also voiced support for an opportunity to cure a violation.[334] In opposition, members of the public stated that a notice provision would add an additional barrier for achieving compliance, empower further governmental misconduct, and give public bodies an undeserved legal advantage.[335]

Review of Possible Notice or Cure Processes & Timelines

The Task Force had the opportunity to analyze recommendations presented by the public and examples of notice or cure provisions in other states. Those who had commented in support of a notice provision did not recommend a specific timeline during which a requestor would have the opportunity to submit notice, but a ten day-timeline was recommended for the cure period following notice.[336] One commenter additionally specified that notice should be written, detail the alleged violation, and refer to the records at issue.[337] Among those who opposed a notice or cure process, one allowed that, if such a process were to be established, it should

[329] N.M. Stat. Ann. § 14-2-12 (1993).
[330] See 091, 174, 185, 241, 280, 297. In a similar vein, one commenter requested a form of mandated "mediation" or discussion between a requestor and staff (see 228; quotation was pulled from internal transcript document).
[331] N.M. Stat. Ann. § 41-4-16 (1997).
[332] N.M. Stat. Ann. § 41-4A-13 (2021).
[333] See 297.
[334] See 023, 039, 072, 174, 185, 221, 227, 241, 251, 280.
[335] See 075, 090, 146, 269.
[336] See 023.
[337] See 280.

not affect the calculation of court-awarded damages or fees, "not apply" to request denial or custodian failure to provide "a written extension," and "be brief and self-executing."[338]

There is a mix of enforcement models across other states. Some states' open records laws include non-litigative enforcement mechanisms that may result in a form of notice to a public body for an alleged violation, but are not themselves explicit notice or cure provisions. For example, the Alaska Administrative Code details an optional process through which a requestor whose request was denied has 60 working days to submit an appeal—with information on the records sought and the reason for the appeal—to the head of the agency to which the request was originally made.[339] The District of Columbia allows for a requestor whose request was denied to petition the mayor for review of the public record withheld.[340] Connecticut's law operates somewhat differently in that, when an action is brought, the court orders notice to be provided to the state's Freedom of Information Commission instead of to the public body sued, after which said Commission can request to intervene.[341] However, these states operate similarly to New Mexico in that the aforementioned processes are not explicit notice or cure requirements located within their open records laws.

Other states do possess explicated notice, or notice and cure, requirements. Task Force members were able to consider these models from select states leading up to and during their September 16, 2026, meeting.[342] Table 9 provides the relevant statutory text for example state models that include either a notice, or a notice and cure, provision.

Table 9: Overview of Select States' Notice and Cure Provisions

STATE	PROVISION TYPE	ESTABLISHING LANGUAGE
Virginia	Notice	"… the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing."[343]
Colorado	Notice and Cure	"… at least fourteen days prior to filing an application with the district court, the person who has been denied the right to inspect the record shall file a written notice with the custodian who has denied the right to inspect the record… During the fourteen-day period…, the custodian who has denied the right to inspect the record shall either meet in person or communicate on the telephone with the person who has been denied access to the record to determine if the dispute may be resolved without filing an application with the district court… If the person who has been denied access to inspect a record states in the required written notice to the custodian that the person needs to pursue access to the record on an expedited basis, the person must provide such written notice, including a factual basis of the expedited need for the record, to the custodian at least three business days prior to the date on which the person files the application with the district court and, in such circumstances, no meeting to determine if the dispute may be resolved… is required."[344]

[338] See 269.
[339] Alaska Admin. Code tit. 2, § 96.340 (1994).
[340] D.C. Code § 2–537 (2015).
[341] Conn. Gen. Stat. § 1-242 (CT.gov 2025)
[342] Resources corresponding to subcommittees' areas of focus, including the topic of notice or cure processes, were compiled and sent out to the Task Force during Phase 3 of its work (see Appendix A for more information on the Task Force's work phases).
[343] Va. Code § 2.2-3713(C) (2019).
[344] Colo. Rev. Stat. § 24-72-204(5)(a) (2018).

Table 9 – Continued

STATE	PROVISION TYPE	ESTABLISHING LANGUAGE
New York	Notice and Cure	"(a) Except as provided in subdivision five of this section, any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the entity, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought... (b) Except as provided in subdivision five of this section, a person denied access to a record in an appeal determination under... (a) of this subdivision may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules... Failure by an agency to conform to the provisions of paragraph (a) of this subdivision shall constitute a denial."[345]
North Dakota	Notice and Cure	"The remedies provided in this section are not available if a violation... has been corrected before a civil action is filed and no person has been prejudiced or harmed by the delay. An interested person or entity may not file a civil action under this section seeking attorney's fees or damages, or both, until at least three working days after providing notice of the alleged violation to the chief administrative officer for the public entity. This subsection does not apply if the attorney general has found... on a prior occasion, that the public entity has [committed a violation]."[346]
Ohio	Notice and Cure	"... the person allegedly aggrieved may serve... a complaint, on a form prescribed by the clerk of the court of claims, to the public office or person responsible for public records allegedly responsible for the alleged failure. Upon receipt of the complaint..., the public office or person responsible for public records has three business days to cure or otherwise address the failure alleged.... The person allegedly aggrieved shall not file a complaint with a court or commence a mandamus action under this section within the three-day period. Upon the expiration of the three-day period, the person allegedly aggrieved may... do only one of the following, and not both: (a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas...; (b) Commence a mandamus action..."[347]

Recommendation for a Notice & Cure Process

Subcommittee 3[348] met the week of August 24, 2026, and agreed to present the following recommendation to the full Task Force at its next meeting:

[345] N.Y. Pub. Off. Law § 89(4) (Opengovernment.ny.gov 2026).
[346] N.D. Cent. Code § 44-04-21.2 (FindLaw 2024).
[347] Ohio Rev. Code § 149.43(C)(1) (2026).
[348] The Task Force's Subcommittee 3 focused on IPRA enforcement and delayed production, and was composed of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. More information about this and the other two Task Force subcommittees can be found in Appendix A.

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

A 'cure process' should be established within the Inspection of Public Records Act, wherein, after a request is denied or closed, and after a following, specified time period during which a public body is notified of an objection to the denial or closure and has a following, specified time period to respond, a public body may be subject to enforcement.

During the Task Force's September 3, 2026, meeting, one member responded to the recommendation by noting that this requirement would cause a delay in litigation, but may result in the requestor receiving a wrongfully withheld or redacted record sooner. The Task Force discussed how this recommendation would interact with court proceedings and if it would empower public entities to initially shirk their responsibilities under IPRA; whether it would expedite dispute resolution; how it would mandate a process that is currently optional; and the difficulties faced by public entities operating in good faith who do not know when a lawsuit may be filed against them. Members additionally considered whether a custodian's assertion of an IPRA exemption would fall under the same notice and cure requirement.

After considering this feedback at its next meeting on September 9, 2026, Subcommittee 3 presented the following edited recommendation to the Task Force:

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

A 'cure process' should be established within the Inspection of Public Records Act, wherein, after a request is denied or closed, and after a following, specified time period during which a public body is notified of an objection to the denial or closure and has a following, specified time period to respond, a public body may be subject to enforcement. Under this framework, the custodian must notify the requestor of the existence of this process and the associated timelines (e.g., in the closing or denial communication, and/or accompanying other required publication under IPRA, such as record custodian contact information). If they do not, this process is not required and the requestor may move directly to enforcement.

Two members of Subcommittee 3 additionally agreed on proposed timelines for the notice process and the cure process: The timeline for submission of notice to a records custodian would last 60 days after a closure or denial and the timeline during which a custodian would seek to cure a violation would last 15 days. Subcommittee 3 did not incorporate this provision into their official recommendation but decided to discuss it at the next Task Force meeting.

At its September 29, 2026, meeting,[349] Task Force members reviewed the amended recommendation. One Subcommittee 3 member shared that this recommendation presented them with the unreconcilable scenario in which the failure to produce a responsive record is only realized by the requestor after the 'notice' period has ended, leaving them barred from litigation. In a similar vein, a Task Force member offered a scenario in which a requestor notified a custodian of one issue in production, but, following the close of the notice period, was unable to file suit for a different error. Conversely, one member stated that they viewed this recommendation as useful for recognizing inadvertent errors by custodians and quickly addressing said errors. They additionally discussed the difficulty in locating pertinent records when responding to litigation that is brought a substantial period of time after the initial request. Later in the discussion, one member posited that this provision could disincentivize custodians from producing all relevant records until notice of suit is given;

[349] The Task Force did not discuss this recommendation during its September 16 or September 23, 2026, meetings due to time constraints.

another member responded that they did not believe other notice provisions, such as that in the Torts Claims Act, had that effect.

In response to a question on proposed timelines, one subcommittee member clarified that the subcommittee had left the recommendation broad in deference to the Legislature, who might wish to establish such timelines. A Task Force member questioned whether a time limit should be placed upon requestors, and provided an example of a requestor who might have to respond in two months to a records release that took six months to complete.

Subcommittee members further clarified that this recommendation was only intended to apply to request responses with final dates, such as closure and denial communications. Following discussion, the Task Force clarified this component of the recommendation by explicating that a cure process would not apply to open requests deemed denied under IPRA's Section 14-2-10.[350]

The recommendation below was then voted on and not approved by the Task Force:

FINAL RECOMMENDATION · NOT APPROVED

A 'cure process' should be established within the Inspection of Public Records Act, wherein, after a request is denied or closed, and after a following, specified time period during which a public body is notified of any objection to the denial or closure and has a following, specified time period to respond, a public body may be subject to enforcement. Under this framework, the custodian must notify the requestor of the existence of this process and the associated timelines (for example, in the closing or denial communication, and/or accompanying other required publication under IPRA, such as record custodian contact information). If they do not, this process is not required and the requestor may move directly to enforcement. This process does not apply to circumstances in which a request is deemed denied under 14-2-10 because a custodian has determined the written request is excessively burdensome or broad.

Four members in favor with Mr. Stalter, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed, and Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

[350] N.M. Stat. Ann. § 14-2-10 (1993).

CHAPTER IX

"Excessively Burdensome or Broad"

IPRA's Implementation

IPRA's Section 14-2-10 allots additional, reasonable time to public bodies for their fulfillment of requests deemed "excessively burdensome or broad," provided the records custodian notifies the requestor of this designation within 15 days after receiving said request.[351] However, IPRA does not define "excessively burdensome or broad" requests, leaving records custodians to make that determination based on factors of their choosing. Nor does the statute establish a firm, extended deadline by which a custodian must complete these "excessively burdensome or broad" requests.

The only available governmental guidance on applying this designation is provided by the NMDOJ in its IPRA Compliance Guide. This document, which does not carry the force of law or rule, offers exemplar circumstances they may justify such additional time, including: when a "custodian [must] locate and review a very large number of records"; when a custodian must "locate or obtain [records]… not in one location," with difficulty; when "the search [for records] involves the coordination among multiple people"; when "request[ed] records span[ ] many years or decades"; when the request is broad; when extensive legal review is required; or when "a significant number of other records requests were received unexpectedly about the same time and the public body that normally has adequate staff needs additional time."[352] While helpful, this guidance without a statutory definition or specific threshold leaves the "excessively burdensome or broad" designation to look different from one public entity to another.

Expressed Need for Clarification of "Excessively Burdensome or Broad"

As identified by a Subcommittee 3 member,[353] IPRA's current statutory construction therefore allows for two conflicting outcomes: 1) A custodian may repeatedly issue "excessively burdensome or broad" determinations and improperly delay the production of a record indefinitely; and 2) the requestor may deem the request denied after an "excessively burdensome or broad" communication if the records are not made available within the (undefined) "reasonable" time period.[354] A public body and a requestor may disagree on whether the additional time taken is "reasonable," and designating a request as "excessively burdensome or broad" does not prevent the requestor from challenging the time taken to fulfill it.

Over the course of its listening tour, the Task Force heard from members of the public and governmental commenters that expressed frustration with the lack of clarity provided by the "excessively burdensome or broad" provision.[355] Several commenters voiced concerns over public entities using the designation to automatically buy more time for fulfillment,[356] to inappropriately delay the release of records,[357] or to maintain an

[351] N.M. Stat. Ann. § 14-2-10 (1993).
[352] New Mexico Department of Justice, *The Inspection of Public Records Act*, 63-4.
[353] The Task Force's Subcommittee 3 focused on IPRA enforcement and delayed production, and was composed of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. More information about this and the other two Task Force subcommittees can be found in Appendix A.
[354] N.M. Stat. Ann. § 14-2-10 (1993).
[355] Or with associated communications, see 246.
[356] See 211, 271.
[357] See 102, 224, 267, 271, 298.

indefinite final production deadline.[358] Comments from public entities or affiliates shared examples of broad requests for public emails[359]; detailed the burdens of broad individual requests[360] or the cumulative burden of many requests[361]; or described uncertainty over when a request can be labeled "excessively burdensome or broad."[362] Governmental commenters additionally detailed how request fulfillment could become more difficult if records needed to be retrieved from various public entities or when legal reviews were necessary.[363]

Review of Possible Clarifications

The Task Force had the opportunity to consider potential statutory amendments as presented in public comments and during Task Force meetings. Public commenters offered recommendations to explicate factors for, or to define, an "excessively burdensome or broad" determination[364]; to require a final production deadline[365]; and to mandate that more information on the status or timeline of fulfillment for "excessively burdensome or broad" requests be included in custodians' communications.[366] They additionally advocated against longer fulfillment timelines.[367] One commenter, while recognizing existing burdens, noted that "reforms aimed at easing that burden shouldn't come at the expense of requesters, survivors and the organizations that serve them."[368] In contrast, governmental commenters requested longer allowable periods for request fulfillment,[369] requirements for request specificity,[370] definitions for "reasonable time"[371] and "burdensome,"[372] and "opportunities" to narrow a request with a requestor.[373]

Other states' statutes define 'burdensome' requests with a range of different considerations. Table 10 lists select states' statutory text that specifies considerations for a 'broad or burdensome'-type records request and that accommodate extended timelines, or extended timelines and fees, as a result. Several of the listed states include final production deadlines within their extension language. Also included are some states—Illinois, Kansas, and New Jersey—that simply allow for the denial of requests that place an extreme burden upon a public entity. Because researched states' response to burdensome or broad requests defy neat categorization, the subjective categorical determinations in Table 10 are meant to illustrate variety in statutory approaches. These determinations are not meant to convey neat distinctions between states, as they do not provide complete statutory language or interpretations, nor does this table serve as a comprehensive listing of relevant statutes.

[358] See 064, 212, 269.
[359] See 091, 185, 291.
[360] See 113, 135, 168, 151, 200, 201, 291.
[361] See 172, 199.
[362] See 297.
[363] See 189.
[364] See 212, 222, 256, 297, 298.
[365] See 063, 064, 259, 269.
[366] See 063, 064, 290, 298.
[367] See 060.
[368] See 148.
[369] See 004, 177, 186, 199, 210, 235, 279.
[370] See 189.
[371] See 221.
[372] See 251.
[373] See 279. See also 096, 168, 228.

Table 10: Overview of Select States' Burdensome or Broad Designations

STATE	STATUTORY LANGUAGE
Extended Timelines	
Pennsylvania[374]	"(a)… the open-records officer for an agency shall determine if…: (1) the request for access requires redaction…; (2) the request for access requires the retrieval of a record stored in a remote location; (3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations; (4) a legal review is necessary…; (5) the requester has not complied with the agency's policies regarding access…; (6) the requester refuses to pay applicable fees…; or (7) the extent or nature of the request precludes a response within the required time period." "(b)… (1) Upon a determination that one of the factors listed… applies, the… officer shall send written notice… within five business days… (2) The notice shall include a statement notifying the requester that the request… is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees… If the date… is in excess of 30 days, following the five business days…, the request for access shall be deemed denied unless the requester has agreed in writing to an extension…"[375]
Extended Timelines & Fees[376]	
Massachusetts	"(c) If the magnitude or difficulty of a request, or the receipt of multiple requests from the same requestor, unduly burdens the other responsibilities of the agency or municipality such that [it] is unable to complete the request within the time provided…, a records access officer may, as soon as practical and within 20 business days after initial receipt of the request, or within 10 business days after receipt of a determination by the supervisor of public records that the requested record constitutes a public record, petition the supervisor of records for an extension of the time… Upon a showing of good cause, the supervisor of records may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days. In determining whether the agency or municipality has established good cause, the supervisor of records shall consider, but shall not be limited to considering: (i) the need to search for, collect, segregate or examine records; (ii) the scope of redaction required…; (iii) the capacity or the normal business hours of operation of the agency or municipality…;

[374] This state has additional statutory language that could classify it as a state allowing denial based upon a broad or burdensome designation ("A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested…" (Pa. Stat. Ann. tit. 65, § 67.703 (Openrecords.pa.gov 2024)); and "An agency may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency" (Pa. Stat. Ann. tit. 65, § 67.506(a)(1) (Openrecords.pa.gov 2024))). However, as it is not explicitly couched as such, Pennsylvania remained in this grouping.

[375] Pa. Stat. Ann. tit. 65, § 67.902 (Openrecords.pa.gov 2024).

[376] Depending on one's definition of a burdensome or broad request, Colorado and Vermont may also qualify for this designation, as they base fees upon time taken for request fulfillment if such time exceeds a specified threshold: "…After the first hour of time has been expended, the custodian may charge a fee for the research and retrieval of public records…" (Colo. Rev. Stat. § 24-72-205(6)(a) (Justia 2023)); and "… an agency may also charge and collect the cost of staff time associated with complying with a request…: (1) the time directly involved in complying with the request exceeds 30 minutes…" (Vt. Stat. Ann. tit. 1, § 316 (2022)).

Table 10 – Continued

STATE	STATUTORY LANGUAGE
	(iv) efforts undertaken by the agency or municipality in fulfilling the current request and previous requests; (v) whether the request, either individually or as part of a series…, is frivolous or intended to harass or intimidate…; and… (vi) the public interest served by expeditious disclosure. If the supervisor of records determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and… are not intended for the broad dissemination of information to the public…, the supervisor of records may grant a longer extension or relieve the agency or municipality of its obligation to provide copies…"[377] "(d) A records access officer may assess a reasonable fee… the fee shall be determined in accordance with the following: … (ii) if an agency is required to devote more than 4 hours of employee time… (iii) if a municipality is required to devote more than 2 hours of employee time…"[378]
Nebraska	"(3)(c)… A special service charge reflecting the calculated labor cost may be included… for time required in excess of eight cumulative hours, since that large of a request may cause some delay or disruption of the other responsibilities of the custodian's office… (4)… (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days… due to the significant difficulty or the extensiveness…, ['the custodian… shall provide'] a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request. The requester shall have ten business days to review the estimated costs…, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request."[379]
Oklahoma	"(4)… if the request:… (b) would clearly cause excessive disruption of the essential functions of the public body, then the public body may charge a reasonable fee… (6)… A delay in providing access to records shall be limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body's essential functions."[380]
Extended Timelines & Denial	
Kansas	"(d) Each request… shall be acted upon… not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available… (e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden… or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions… refusal under this subsection must be sustained by preponderance of the evidence."[381]

[377] This could be considered a denial based upon a broad or burdensome designation; however, as it is not explicitly couched as such, Massachusetts remained in this grouping.
[378] Mass. Gen. Laws ch. 66, § 10 (MALegislature.gov 2026).
[379] Neb. Rev. Stat. Ann. § 84-712 (2024).
[380] Okla. Stat. tit. 51, § 24A.5 (2026).
[381] Kan. Stat. Ann. § 45-218 (1984).

Table 10 – Continued

STATE	STATUTORY LANGUAGE
New Jersey	"In the event a records custodian is unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate additional time…, the custodian shall be entitled to a reasonable extension… and shall notify the requestor… within seven business days… In the event a custodian fails to respond within seven business days or 14 business days, as appropriate,… the failure to respond shall be deemed a denial… If the government record is in storage or archived, the requestor shall be so advised within seven or 14 business days, as appropriate… The requestor shall be advised by the custodian when the record can be made available, which shall be no more than 21 business days from the date the requestor is so advised…"[382] "If a request… would substantially disrupt agency operations, the custodian may deny access… after attempting to reach a reasonable solution with the requestor…"[383]
Extended Timelines, Fees, & Denial	
Illinois	"(e) The time for response… may be extended… for not more than 5 business days… for any of the following reasons: (i) the requested records are stored in whole or in part at other locations…; (ii) the request requires the collection of a substantial number of specified records; (iii) the request is couched in categorical terms and requires an extensive search…; (iv) the requested records have not been located in the course of routine search and additional efforts are being made to locate them; (v) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure… or should be revealed only with appropriate deletions; (vi) the request for records cannot be complied with… within the time limits prescribed… without unduly burdening or interfering with the operations of the public body; (vii) there is a need for consultation… with another public body or among 2 or more components of a public body… The person making a request and the public body may agree in writing to extend the time for compliance… "(g) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If any public body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information."[384]

[382] N.J. Stat. § 47:1A-5 (i)(1) (2024).
[383] N.J. Stat. § 47:1A-5 (g) (2024).
[384] 5 Ill. Comp. Stat. 140/3 (2026).

Table 10 – Continued

STATE	STATUTORY LANGUAGE
	"If a request is not… a voluminous request, a public body may not charge… for the costs of any search for and review of the records or other personnel costs associated with reproducing the records."[385]

Recommendation for Clarification of "Excessively Burdensome or Broad"

Subcommittees 2[386] and 3 met the weeks of August 24 and August 31, 2026, and individually discussed the need to clarify IPRA's "excessively burdensome or broad" designation. Following these initial meetings, they presented the following recommendations at the Task Force's September 3, 2026, meeting:

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

Clarify the broad-and-burdensome standard while protecting legitimate investigative requests from unnecessary delay and encourage proactive publication of frequently requested records.

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

The parameters of the "excessively burdensome or broad" determination within the Inspection of Public Records Act is unclear and needs to be addressed by the Legislature.

Subcommittee 2 then met on September 8, 2026, and Subcommittee 3 met on September 9, 2026, but neither subcommittee amended their recommendation before the September 16, 2026, meeting. However, Subcommittee 3 did bring an additional question back to the full Task Force for discussion: "Should the number or complexity of a governmental entity's pending requests factor into the 'excessively burdensome or broad' designation, or should the designation refer solely to the singular request at hand?"

At the Task Force's September 16, 2026, meeting, Task Force members did not have sufficient time to discuss Subcommittee 3's recommendation but did discuss that from Subcommittee 2. Task Force members talked about the difficulty in grappling with the undetermined "reasonable"[387] time allowed for completion of excessively burdensome or broad requests. One member argued that public feedback on this issue corresponded to two different problems, where governments wished to clarify that a request would take a significant amount of time to fulfill, and members of the public believed that this designation was applied inappropriately; they expressed that they were not aware of statutory language that could accommodate both perspectives.[388] Two Subcommittee 3 members also touched on the question posed by their subcommittee, stating that it was important to determine whether this designation applied only to a singular request, or to

[385] 5 Ill. Comp. Stat. 140/6(a) (2014).

[386] The Task Force's Subcommittee 2 focused on the receipt of and response to records requests, and was composed of Mr. Eshleman, Ms. Mills, and Ms. Moskowitz. More information about this and the other two Task Force subcommittees can be found in Appendix A.

[387] N.M. Stat. Ann. § 14-2-10 (1993).

[388] At this point in the meeting, Task Force members additionally discussed potential ways to demonstrate continued work towards request fulfillment, such as partial production.

"systemic issues"[389] faced by a public entity. In an adjacent vein, a Subcommittee 2 member said that they would limit the definition to apply to the materials requested as opposed to the length of review time, while a Subcommittee 3 member noted that there could be requests for relatively few materials that would need substantial time to review and produce.

Subcommittee 3 did not amend their recommendation, but Subcommittee 2 presented the following, edited recommendation at the Task Force's September 23, 2026, meeting:[390]

DRAFT RECOMMENDATION · SUBCOMMITTEE 2

The subcommittee recommends establishing a clearer, objective standard for determining when a request is broad or burdensome. The standard should provide guidance that allows requestors to understand which requests might be deemed to need more time, such as those seeking many hours of video footage or thousands of pages of documents, and to custodians who need to determine whether their request for more time will be seen as reasonable by a reviewing court.

For qualifying requests, agencies should be permitted to provide records through rolling production rather than delaying production until the entire request has been completed.

During this meeting, a subcommittee member shared that Subcommittee 2 had struggled with defining an objective standard for the "excessively burdensome or broad" determination. They also shared that the intent would be to provide clarity to this determination for the benefit of both the requestor and the custodian. Task Force members agreed that there was confusion surrounding this designation, but one member shared that they had not seen language to adequately address the issues surrounding this framework. Another Task Force member argued that, because there is an abundance of ways in which a request could be broad or burdensome, they would not support explicating factors for this standard; a member also agreed with this, noting the long list of possible factors.

Members further discussed the included language on rolling production. They noted that, while allowed under IPRA, a request is "deemed denied" after fifteen days,[391] and the Task Force had received public comment concerning clarification of this allowance. The Task Force further discussed what "satisfactory" rolling production could look like. In response to the concern that including rolling production in this recommendation could circumscribe a requestor's ability to sue under IPRA, the Task Force removed the last sentence from the recommendation.[392] This recommendation was then voted upon and not approved by the Task Force:

[389] "IPRA Task Force Meeting-20260916_135930-Meeting Recording" (IPRA Task Force Meeting, Albuquerque, 2026), 68, https://nmdoj.gov/wp-content/uploads/IPRA-Task-Force-Meeting-Transcript-9-16-26-1.pdf.

[390] The motion to adopt this recommendation struck the last paragraph of the recommendation as originally presented because of its pertinence to proactive transparency, which was previously addressed by Subcommittee 1 (see Chapter I). That paragraph read: "The subcommittee also recommends greater use of proactive publication of frequently requested public records when practical. Making routinely requested records readily available could improve public access while reducing the administrative burden on records custodians."

[391] N.M. Stat. Ann. § 14-2-11(A) (1993).

[392] To clarify the recommendation, the Task Force changed it to refer to "amending IPRA," and to begin with "Task Force" as opposed to "subcommittee."

FINAL RECOMMENDATION · NOT APPROVED

The Task Force recommends amending IPRA to establish a clearer, objective standard for determining when a request is broad or burdensome. The standard should provide guidance that allows requestors to understand which requests might be deemed to need more time, such as those seeking many hours of video footage or thousands of pages of documents, and to custodians who need to determine whether their request for more time will be seen as reasonable by a reviewing court.

Four members voted in favor with Mr. Watson, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Stalter opposed, and Chair Zaritsky, New Mexico Department of Justice Task Force appointee, abstaining.

CHAPTER X

Statute of Limitations

IPRA's Implementation & Expressed Need for a Statute of Limitations

Aspects of IPRA's statute of limitations remain undefined in state law. While IPRA does not contain a statute of limitations, the New Mexico Court of Appeals held that the general four-year statute of limitations applies to IPRA enforcement actions.[393, 394] This broadly applicable limitations period fixes a four-year period for "all other actions not herein otherwise provided for and specified."[395] However, IPRA's 'triggering' date—when the statute of limitations is activated—is not comprehensively defined, with the only such date in IPRA[396] applying to a custodian's failure to provide a written explanation of denial within the statutory timeline. This raises questions such as: Would the statute of limitations begin upon submission of a request, or would it begin upon closure or denial of said request? Furthermore, how would this apply to a situation in which a public entity did not provide an adequate response and noncompliance is ongoing?

Over the course of the Task Force's statewide listening tour, one governmental commenter requested a "reasonable statute of limitations"[397]; another governmental commenter voiced concerns[398] that a requestor could wait to file an IPRA lawsuit for years, thereby allowing statutory per diem penalties to accrue. However, it is important to note that the Act's uncapped, 100-dollars-per-day penalty applies only when a public entity fails to respond or delivers a response that is noncompliant with the Act's Section 14-2-11.[399] This penalty does not apply when the body issues a timely, conforming, good-faith, written denial as described in Section 14-2-12.[400] For non-response or incomplete-response cases, the per diem penalty accrues from the date the court determines noncompliance until the body comes into compliance.[401] If IPRA were to contain a statute of limitations, this exposure would be clearly bounded.

Review of Select States' Statutes of Limitations

States vary widely in their open records laws' statutes of limitations.[402] Some states provide as few as 30 days within which a requestor may appeal a public records decision (e.g., Maine,[403] Utah[404]), while others

[393] See *Edenburn v. N.M. Dep't of Health*, 2013-NMCA-045, ¶ 38, 299 P.3d 424.
[394] The edited analysis provided in this chapter was provided by a Subcommittee 3 member and does not reflect the legal interpretations of the Task Force as a whole.
[395] N.M. Stat. Ann. § 37-1-4 (1953).
[396] N.M. Stat. Ann. § 14-2-11(C) (1993).
[397] See 096.
[398] See 073.
[399] N.M. Stat. Ann. § 14-2-11 (1993).
[400] See N.M. Stat. Ann. § 14-2-12 (1993) and *Faber v. King*, 2015-NMSC-015, ¶¶ 17, 29–30, 348 P.3d 173.
[401] See *Britton v. Office of the Att'y Gen.*, 2019-NMCA-002, ¶ 40, 433 P.3d 320.
[402] This paragraph draws from the Reporters Committee for Freedom of the Press's compilation of states' statutes of limitations as applicable to their respective open records laws ("6. Time limit for filing suit," Reporters Committee for Freedom of the Press, RCFP, accessed October 14, 2026, https://www.rcfp.org/open-government-sections/6-time-limit-for-filing-suit/).
[403] Me. Rev. Stat. tit. 1, § 409(1) (2015).
[404] Utah Code § 63G-2-404(1)(a) (2025).

require suit to be brought within 60 (e.g., Delaware,[405] North Dakota[406]) or 90 days (e.g., South Dakota[407]). For states with a longer statute of limitations period, some have a duration of one year (e.g., Missouri,[408] Washington[409]), while other state records laws set no deadline to file suit (e.g., Montana,[410] Vermont[411]). As in New Mexico, some states, such as Arkansas,[412] California,[413] and Connecticut[414] have no statute-specific deadline but instead borrow from a more general limitations statute. The timelines of these select states fall between 45 days to five years, a time period within which New Mexico operates as well.[415, 416]

Recommendation for a Statute of Limitations Within IPRA

Subcommittee 3[417] members met on August 28 and September 1, 2026, and discussed the need for clarity about IPRA's statute of limitations. They decided to present the following recommendation to the Task Force at its next meeting on September 3, 2026:

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

A statute of limitations should be established within the Inspection of Public Records Act with a specific 'triggering' date after which the statute of limitations applies.

In response to this recommendation, one Task Force member also raised the current lack of clarity in 'triggering' dates under IPRA. Another member noted the difficulty in finding a missing, responsive record when a requestor returns after an extended period of time. Task Force members reviewed the range of statutes of limitations among other states, and one member offered the Torts Claims Act's two-year statute of limitations as another example.[418]

Further discussion at Subcommittee 3's meeting the week of September 7, 2026, led to an amendment of the original recommendation to emphasize the various situations in which 'triggering' dates could apply:

[405] Del. Code Ann. tit. 29, § 10005(b) (2010).

[406] "An action under this subsection must be commenced within sixty days of the date the person knew or should have known of the violation or within thirty days of issuance of an attorney general's opinion on the alleged violation, whichever is later" (N.D. Cent. Code § 44-04-21.2(1) (FindLaw 2024)).

[407] S.D. Codified Laws § 1-27-38 (2008).

[408] Mo. Rev. Stat. § 610.027(5) (2004).

[409] Wash. Rev. Code § 42.56.550 (2017). The Reporters Committee for Freedom of the Press also notes that "[t]he limitations period usually runs from the agency's final, definitive response to a records request, but case law recognizes the possibility that the period can be extended (or 'equitably tolled') if the agency silently withholds responsive records. *See Belenski v. Jefferson Cnty.*, 186 Wn.2d 452, 378 P.3d 176 (2016)" ("6. Time limit for filing suit," Reporters Committee for Freedom of the Press).

[410] Mont. Code Ann. § 2-6-1009 (2025).

[411] Vt. Stat. Ann. tit. 1, § 319(a) (2011).

[412] Ark. Code § 16-56-115 (Justia 2025).

[413] Cal. Civ. Proc. Code § 338 (Justia 2025).

[414] Conn. Gen. Stat. § 4-183 (2006).

[415] See 2013-NMCA-045, ¶ 38 and N.M. Stat. Ann. § 37-1-4 (1953).

[416] Although this would need to be confirmed by a statute-by-statute analysis, one Subcommittee 3 member offered the following determination: The Reporters Committee for Freedom of the Press's compilation of such statutes indicates that those that route requestors through an administrative appeals process—such as to a records board or Attorney General—tend to impose shorter deadlines, whereas states that refer requestors straight to court tend to allow for longer timeframes ("6. Time limit for filing suit," Reporters Committee for Freedom of the Press).

[417] The Task Force's Subcommittee 3 focused on IPRA enforcement and delayed production, and was composed of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. More information about this and the other two Task Force subcommittees can be found in Appendix A.

[418] N.M. Stat. Ann. § 41-4-15 (1997).

DRAFT RECOMMENDATION · SUBCOMMITTEE 3

A statute of limitations should be established within the Inspection of Public Records Act with specific 'triggering' dates for the various scenarios under IPRA (e.g., denial, closing, redaction and/or withholding determinations, and unfulfilled).

This recommendation was again presented at the September 16, 2026, meeting of the Task Force. Some members voiced support, while another member asked for greater clarity on the 'triggering' date.

During the September 29, 2026, meeting[419] of the Task Force, one Subcommittee 3 member shared that this recommendation was intended to address the misconception that IPRA did not have a corresponding statute of limitations. One subcommittee and one Task Force member expressed that it would be helpful to have greater clarity on the statute of limitations, whereas other members stated that they did not know of a court case where this had been an issue. Similarly, one Task Force member questioned whether this recommendation addressed a true problem. The Task Force then voted and did not approve the following recommendation:

FINAL RECOMMENDATION · NOT APPROVED

A statute of limitations should be established within the Inspection of Public Records Act with specific 'triggering' dates for the various scenarios under IPRA (e.g., denial, closing, redaction and/or withholding determinations, and unfulfilled).

Four members voted in favor with Ms. Mills, New Mexico Press Association Task Force appointee, Mr. Stalter, Ms. Moskowitz, American Civil Liberties Union of New Mexico Task Force appointee, and Mr. Williams, New Mexico Foundation for Open Government Task Force appointee, opposed.

[419] This recommendation was not discussed during the Task Force's September 23, 2026, meeting due to time constraints.

IPRA TASK FORCE REPORT

Appendices

APPENDIX A

Summary of Scope of Work & Activity

This appendix provides an overview of the Task Force's work from April through September 2026 and includes summaries of the Task Force's meetings during this period. Meeting notices, registration forms, information on in-person and virtual access, agendas, AI-generated transcripts, video recordings, and minutes were posted on the IPRA Task Force microsite, as hosted within the NMDOJ website.[420]

HJM 2[421] requested that the NMDOJ

> *convene a task force to study the implementation of the Inspection of Public Records Act; gather input from relevant stakeholders; evaluate that act's workability and effectiveness in ensuring government transparency and serving the public interest; and, if necessary or desirable, propose administrative solutions or legislation based on the task force's findings and recommendations for consideration during the first session of the fifty-eighth legislature...*
>
> HJM 2

As part of that work, the Legislature asked[422] that this IPRA Task Force solicit comment from

> *the public and other governmental entities... including input from public schools and public school districts; institutions of higher education; the judicial branch of government, including district attorneys and public defenders and their records custodians; and broadcast journalists and other interested and affected parties...*
>
> HJM 2

The NMDOJ assembled the Task Force as instructed by requesting Task Force member recommendations from the member entities listed in HJM 2[423] and by nominating a defense attorney and a plaintiff's attorney to the Task Force. The Department additionally published a microsite within its website that provided context for the creation of the Task Force; information on Task Force members; details for upcoming meetings, including virtual attendance information; materials from past meetings; and a submission portal for written

[420] See "IPRA Task Force," New Mexico Department of Justice, NMDOJ.gov, accessed October 14, 2026, https://nmdoj.gov/get-help/ipra-task-force/.
[421] H.J.M. 2, 57th Leg., 2nd Sess.
[422] *Id.*
[423] The entities listed were "... the department of justice, the New Mexico municipal league, the New Mexico association of counties, the New Mexico foundation for open government, the American civil liberties union of New Mexico, [and] the New Mexico press association..." (H.J.M. 2, 57th Leg., 2nd Sess.).

public comment.

At the Task Force's inaugural meeting, the NMDOJ proposed a work plan spanning the months leading up to the Legislature's requested deadline—October 1, 2026—for the Task Force to present its recommendations. This Stakeholder Outreach Plan (or Work Plan) contained the following phases:

Phase 1 – Organizational: On April 30, 2026, the Task Force would hold an organizational meeting, during which it would adopt procedures, set the scope for its work, and finalize its stakeholder engagement plan (or Work Plan).

Phase 2 – Gathering Input: Over the months of May, June, July, and August 2026, the Task Force would host meetings in Clovis, Roswell, Carlsbad, Alamogordo, Las Cruces, Silver City, Gallup, Farmington, Las Vegas, Santa Fe, and Albuquerque. These meetings would aim to collect in-person and virtual public comment.

Phase 3 – Analysis & Drafting: From August 17, 2026, to September 5, 2026, the Task Force would discuss and synthesize findings from the received public input. If necessary or desirable, it would propose administrative solutions or legislation.

Phase 4 – Drafting & Reporting: During the week of September 13, 2026, Task Force members would deliberate and would draft, review, and revise the Task Force's final report. By the week of September 28, 2026, the Task Force would finalize its report and recommendations, and prepare its submission to the interim Courts, Corrections and Justice committee and to the Legislative Finance Committee.

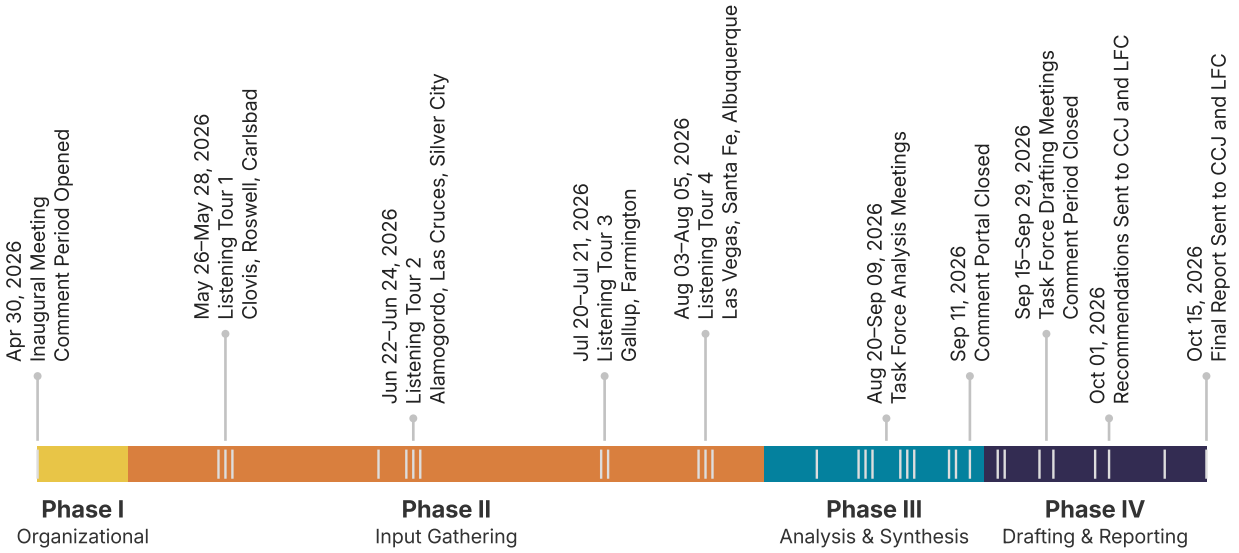


Figure 1: Timeline of notable Task Force events and phases. CCJ = Corrections and Justice Committee; LFC = Legislative Finance Council.

The following paragraphs provide detailed information on the meetings and work that the Task Force conducted during these four phases.

Phase 1

April 30, 2026

The Task Force held its inaugural deliberative meeting both in person at the University of New Mexico in Albuquerque and online through Microsoft Teams from roughly 6:00 pm to 7:30 pm. All Task Force members

were present except for Mr. Watson, who joined at the commencement of public comment. Ms. Mills and Ms. Moskowitz joined virtually.

The Task Force approved its Open Meetings Act ("OMA") Resolution with amendment, its Bylaws with amendment, and its Stakeholder Outreach Plan with amendment. The amendment to the Bylaws allowed for appointment of a proxy by a Task Force member to attend any meeting with full authority to act on the member's behalf (excepting Mr. Stalter and Mr. Watson, who served as Individual Representatives as opposed to Organizational Representatives). The Task Force additionally appointed Ms. Zaritsky as its records custodian.

Two individuals offered public comment in person and one individual offered public comment virtually.

Phase 2

May 26, 2026

The Task Force held its first public listening meeting both in person at the Clovis Civic Center in Clovis and online through Microsoft Teams from 6:07 pm to 7:46 pm. All Task Force members were present except for Ms. Moskowitz. Ms. Martinez, Mr. Stalter, Mr. Watson, and Mr. Williams joined virtually.

The Task Force approved the draft meeting minutes for its April 30, 2026, meeting, after which Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. The Task Force then amended the Bylaws both to allow Task Force members to speak to media in their individual capacity and to read that the Attorney General would appoint the Task Force Chair. Following this amendment, Chair Méndez became the Task Force Chair. The Task Force additionally discussed the Task Force Stakeholder Outreach Plan, the Open Meetings Act's application to the Task Force, and received public comments and IPRA more generally.

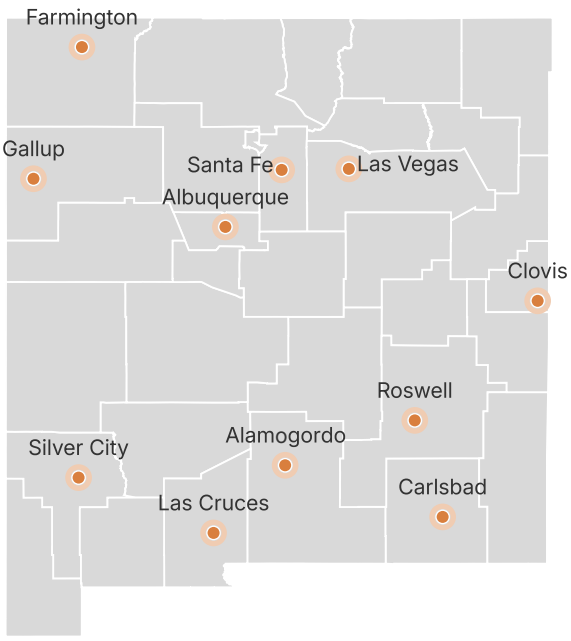


Figure 2: Locations of listening sessions around the state.

Thirteen individuals offered public comment in person, and four individuals offered public comment in person during an additional public comment period. Throughout the Phase 2 and August 20, 2026, meetings of the Task Force, public comment consisted of individuals sharing comment to Task Force members and members providing comments and asking questions of some of the individuals who provided testimony.

May 27, 2026

The Task Force held its second public listening meeting both in person at Eastern New Mexico University in Roswell and online through Microsoft Teams from 6:01 pm to 7:54 pm. All Task Force members or designated

proxies attended except for Mr. Stalter. Mr. Williams's designated proxy, Ms. Christine Barber, and Ms. Mills arrived after roll call attendance. Ms. Martinez, Ms. Moskowitz, Mr. Watson, and Ms. Barber joined virtually.

The Task Force approved the draft meeting minutes for its May 26, 2026, meeting, after which Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. The Task Force discussed the inclusion of focused discussion sections for each of the Phase 2 meetings, as well as public comments and IPRA more generally.

Seven individuals offered public comment in person. During an additional public comment period, one individual offered public comment in person and two individuals offered public comment through the Teams meeting's question and answer functionality. These two comments were summarized and read aloud by Records Custodian Zaritsky.

May 28, 2026

The Task Force held its third public listening meeting both in person at the Pecos River Village Conference Center in Carlsbad and online through Microsoft Teams from 6:03 pm to 8:01 pm. Ms. Martinez, Ms. Moskowitz, Mr. Stalter, and Mr. Watson joined virtually, and Mr. Williams and Ms. Mills joined virtually after roll call attendance.

Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. The Task Force discussed public comments and IPRA generally, and then approved the draft meeting minutes for its May 27, 2026, meeting. Before adjournment, the Task Force also agreed to hold a virtual meeting about the Task Force Stakeholder Outreach Plan (or Work Plan) before the upcoming June 22, 2026, meeting in Alamogordo (This was later changed by determination of Chair Méndez to a hybrid meeting.).

Eight individuals offered public comment in person and two individuals offered public comment virtually. One individual offered public comment through the Teams meeting's question and answer functionality, and the comment was read aloud by Records Custodian Zaritsky.

June 18, 2026

The Task Force held its second deliberative meeting both in person at the University of New Mexico in Albuquerque and online through Microsoft Teams from around 3:05 pm to around 4:30 pm. All Task Force members were present except for Mr. Eshleman and Mr. Stalter. Ms. Mills joined virtually.

This meeting focused on the Task Force's Stakeholder Outreach Plan (or Work Plan). Task Force members discussed potential areas of subject matter focus for upcoming meetings and collectively determined the focus of discussion during each future Phase 2 public meeting: IPRA Ombudsman in Alamogordo; Proactive Transparency in Las Cruces; Requestors in Silver City; Staffing in Gallup; Technology in Farmington; Response Times in Las Vegas; Law Enforcement in Santa Fe; and Juvenile Records in Albuquerque. The Task Force amended the Stakeholder Outreach Plan (or Work Plan) accordingly, and voted to include an agenda item for discussion of the corresponding topic and an item that allows for discussion of the Work Plan (starting at the June 23, 2026, meeting) to the upcoming meetings' agendas. The Task Force additionally approved the draft meeting minutes for its May 28, 2026, meeting.

June 22, 2026

The Task Force held its fourth public listening meeting both in person at the Otero County Administration Building in Alamogordo and online through Microsoft Teams from around 6:00 pm to around 7:50 pm. Mr. Eshleman's designated proxy, Ms. Joy Esparsen, joined in person; Mr. Stalter and Mr. Williams joined

virtually; and Ms. Moskowitz's designated proxy, Ms. Maria Martínez Sánchez, joined virtually after roll call attendance.

The Task Force approved the draft meeting minutes for its June 18, 2026, meeting, after which Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. Following public comment, Ms. Martinez and Mr. Watson presented on the topic of an IPRA Ombudsman and Task Force members discussed this topic, as well as public comments and IPRA more generally. For this and future topic-dedicated meetings, Task Force members volunteered to share information and presentations; all requests to present on a topic by members were honored.

Thirteen individuals offered public comment in person and one individual offered public comment virtually. Two individuals offered public comment through the Teams meeting's question and answer functionality, and the comments were read aloud by Records Custodian Zaritsky.

June 23, 2026

The Task Force held its fifth public listening meeting both in person at New Mexico State University in Las Cruces and online through Microsoft Teams from around 6:00 pm to around 8:05 pm. Ms. Moskowitz's designated proxy, Mr. Daniel Williams, and Mr. Eshleman's designated proxy, Ms. Joy Esparsen, joined in person; Mr. Stalter and Mr. Williams joined virtually; and Ms. Martinez joined in person after roll call attendance.

The Task Force approved the draft meeting minutes for its June 22, 2026, meeting, after which Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. Following public comment, Ms. Martinez and Mr. Watson presented on the topic of Proactive Transparency. Task Force members discussed this topic, as well as public comments and IPRA more generally. The Task Force also discussed the Stakeholder Outreach Plan (or Work Plan) but did not make any amendments to said Work Plan.

Seventeen individuals offered public comment in person and two individuals offered public comment virtually. Two individuals offered public comment through the Teams meeting's question and answer functionality; due to time constraints, these two comments were not read aloud but were recorded by Records Custodian Zaritsky.

June 24, 2026

The Task Force held its sixth public listening meeting both in person at the Grant County Veterans Memorial Conference Center in Silver City and online through Microsoft Teams from around 6:00 pm to around 8:27 pm. All Task Force members were present except for Mr. Stalter. Mr. Eshleman's proxy, Mr. Ben Young, joined in person; Ms. Martinez, Ms. Moskowitz, and Mr. Williams joined virtually.

The Task Force approved the draft meeting minutes for its June 23, 2026, meeting, after which Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. Following public comment, Ms. Martinez, Mr. Watson, Mr. Williams, and Chair Méndez presented on the topic of Requestors; Task Force members discussed this topic, as well as public comments and IPRA more generally. The Task Force also discussed the Stakeholder Outreach Plan (or Work Plan) and amended said Work Plan so that meetings listed in the Work Plan extend from 4:00 pm to 7:00 pm.

Thirteen individuals offered public comment in person and two individuals offered public comment virtually. One individual offered public comment through the Teams meeting's question and answer functionality; due to time constraints, this comment was not read aloud but was recorded by Records Custodian Zaritsky. During an additional public comment period, one individual offered public comment in person.

July 20, 2026

The Task Force held its seventh public listening meeting both in person at the McKinley County Courthouse Extension in Gallup and online through Microsoft Teams from around 4:07 pm to around 6:50 pm. All Task Force members were present except for Mr. Eshleman. Ms. Martinez, Ms. Moskowitz, Ms. Mills, Mr. Stalter, Mr. Watson, and Mr. Williams joined virtually.

The Task Force approved the draft meeting minutes for its June 23, 2026, meeting, after which Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. Following public comment, Ms. Martinez, Mr. Watson, and Chair Méndez presented on the topic of Staffing, and Task Force members discussed this topic, as well as public comments and IPRA more generally. The Task Force also discussed the upcoming July 21, 2026, meeting on Technology, but did not make any amendments to the Stakeholder Outreach Plan (or Work Plan).

Four individuals offered public comment in person and three individuals offered public comment virtually. During an additional public comment period, one individual offered public comment virtually.

July 21, 2026

The Task Force held its eighth public listening meeting both in person at the Farmington Civic Center in Farmington and online through Microsoft Teams from 4:00 pm to 6:47 pm. Mr. Eshleman's designated proxy, Mr. Joseph Sawyer, attended in person; Ms. Martinez, Ms. Moskowitz, Mr. Stalter, and Mr. Watson joined virtually; and Mr. Williams and Ms. Mills joined virtually after roll call attendance.

The Task Force approved the draft meeting minutes for its July 20, 2026, meeting, after which Records Custodian Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. Following public comment, Mr. Stalter presented on the topic of Technology, and Task Force members discussed this topic, as well as public comments and IPRA more generally. The Task Force also voted on but did not approve switching the dates of the upcoming Santa Fe and Albuquerque public meetings originally scheduled for August 4 and August 5, 2026, respectively.

Seven individuals offered public comment in person and two individuals offered public comment virtually.

July 29, 2026

Task Force members were asked whether they wished to recommend subject matter experts to present at any of the remaining Phase 2 meetings, which were focused on the topics of Response Times, Law Enforcement, and Juvenile Records. No subject matter expert recommendation was denied.

August 3, 2026

The Task Force held its ninth public listening meeting both in person at Luna Community College in Las Vegas and online through Microsoft Teams from 4:00 pm to around 6:40 pm. All Task Force members or designated proxies attended except for Ms. Mills. Ms. Martinez, Mr. Stalter, and Mr. Williams joined virtually; Mr. Watson and Ms. Moskowitz's designated proxy, Ms. Maria Martínez Sánchez, joined virtually after roll call attendance. Records Custodian Zaritsky shared that, following Chair Méndez's resignation from his position on the Task Force, she would serve as the NMDOJ's Task Force appointee and as Task Force Chair.

The Task Force approved the draft meeting minutes for its July 21, 2026, meeting, after which Chair Zaritsky gave an introductory presentation on the purpose and composition of the Task Force. Following public

comment, Mr. Watson presented on the topic of Response Times, and Task Force members discussed this topic as well as public comments and IPRA more generally. The Task Force also discussed the Stakeholder Outreach Plan (or Work Plan) but did not make any amendments.

Nine individuals offered public comment in person and two individuals offered public comment virtually. Four individuals offered public comment through the Teams meeting's question and answer functionality, and the comments were read aloud by support staff Mr. Zane Harbison. Other written notes submitted through this functionality that were not clearly identified as formal public comment (i.e., notes that did not begin with a statement of the commenter's name and any affiliation(s)) were copied into a separate document and shared with the Task Force after the meeting.

August 4, 2026

The Task Force held its tenth public listening meeting both in person at Santa Fe Community College in Santa Fe and online through Microsoft Teams from 4:01 pm to around 7:03 pm. Ms. Moskowitz's designated proxy, Mr. Daniel Williams, Mr. Stalter, Mr. Watson, and Mr. Williams joined virtually; Ms. Mills joined virtually after roll call attendance; and Ms. Martinez joined in person after roll call attendance.

The Task Force approved the draft meeting minutes for its August 3, 2026, meeting, and amended the July 21, 2026, meeting minutes to accurately reflect that the Task Force had approved the July 20, 2026, meeting minutes during that meeting. Chair Zaritsky gave an introductory presentation on the purpose and composition of the Task Force, and, following public comment, City of Santa Fe IPRA Manager Ms. Katherine Garcia-Gallegos, as invited by Mr. Watson, presented on the topic of Law Enforcement. Task Force members discussed this topic, as well as received public comments and IPRA more generally. The Task Force also discussed Phases 3 and 4 of the Stakeholder Outreach Plan (or Work Plan).

Fourteen individuals offered public comment in person and two individuals offered public comment virtually. One individual offered public comment through the Teams meeting's question and answer functionality, and the comment was read aloud by support staff Mr. Zane Harbison. Other written notes submitted through this functionality that were not clearly identified as formal public comment (i.e., notes that did not begin with a statement of the commenter's name and any affiliation(s)) were copied into a separate document and shared with the Task Force after the meeting.

August 5, 2026

The Task Force held its eleventh and final public listening meeting both in person at Central New Mexico Community College in Albuquerque and online through Microsoft Teams from around 4:03 pm to around 7:08 pm. All Task Force members or designated proxies attended except for Mr. Stalter. Ms. Mills joined virtually and Mr. Watson joined virtually after roll call attendance; Ms. Moskowitz's designated proxy, Ms. Maria Martínez Sánchez, joined in person after roll call attendance.

Chair Zaritsky began the meeting by apologizing for the posting of an incorrect meeting address in the meeting notice and public materials. Chair Zaritsky reported that she and colleagues had taken measures to advertise the change in location, including correcting the Task Force microsite, posting physical flyers with the correct address at the incorrectly listed location, posting an advisory on the NMDOJ's Instagram page, and emailing all those who registered with the correct meeting address. Because an incorrect location was advertised, Chair Zaritsky postponed the vote on approval of the August 4, 2026, meeting minutes.

Chair Zaritsky then gave an introductory presentation on the purpose and composition of the Task Force. Following public comment, the Task Force discussed the topic of Juvenile Records, related topics, and the Stakeholder Outreach Plan (or Work Plan). Chair Zaritsky also announced that the next meeting of the Task

Force would include a public comment period so that those who may have missed the August 5, 2026, meeting due to the posting of an incorrect location would have another opportunity to provide public comment.

Nineteen individuals offered public comment in person and three individuals offered public comment virtually. Two individuals offered public comment through the Teams meeting's question and answer functionality, and the comments were read aloud by support staff Mr. Zane Harbison. Other written notes submitted through this functionality that were not clearly identified as formal public comment (i.e., notes that did not begin with a statement of the commenter's name and any affiliation(s)) were copied into a separate document and made available to the Task Force.

Phase 3

August 20, 2026

The Task Force held its third deliberative meeting both in person at the University of New Mexico in Albuquerque and online through Microsoft Teams from around 4:02 pm to around 6:20 pm. Ms. Mills and Mr. Williams joined virtually, and Mr. Eshleman joined in person after roll call attendance.

The Task Force approved the draft meeting minutes for its August 4, 2026, and August 5, 2026, meetings. Following public comment, the Task Force discussed the content and form of the Task Force's final report and Phases 3 and 4 of the Stakeholder Outreach Plan (or Work Plan). The Task Force voted to have Chair Zaritsky appoint Task Force members to one of three subcommittees focused on 1) the storage, management, and administrative side of records retention and IPRA, with topics including but not limited to proactive transparency, private and public retention of public records,[424] file management and storage including technology, staffing including professional requirements and training, and data collection; 2) the receipt of and response to IPRA requests, with topics including but not limited to redaction and withholding, sensitive records, requestors, and fees; and 3) enforcement, delayed production, and other contentious aspects of responding to IPRA requests, with topics including but not limited to damages, penalties, and non-litigative pathways of enforcement, an IPRA Ombudsman, and clarification on topics such as overly burdensome requests, non-response closing, and unclear requests. After Task Force members shared their preferences for joining one of the three subcommittees, Chair Zaritsky appointed the Task Force members as follows: Subcommittee 1 consisted of Mr. Watson and Mr. Williams; Subcommittee 2 consisted of Mr. Eshleman, Ms. Mills, and Ms. Moskowitz; and Subcommittee 3 consisted of Ms. Martinez, Mr. Stalter, and Chair Zaritsky. The Task Force additionally voted to close the written comment submission portal on the Task Force microsite on September 11, 2026, with the IPRATaskForce@nmdoj.gov email address remaining open to written comment on the Task Force report. They made note that public comment received after September 11, 2026, on IPRA more generally was not guaranteed to be reviewed by the Task Force due to time constraints, and that the Task Force would revisit whether the email address would also close to public comment at a later date but before October 1, 2026.

No individual gave public comment during the meeting's public comment period. During an additional public comment period, two individuals offered public comment in person and one individual offered public comment virtually.

[424] Subcommittee 1 conducted a preliminary review of the testimony before the Task Force, did not identify significant testimony on this issue, and therefore chose not to produce a specific recommendation on the topic.

Table 11: Task Force Subcommittees

SUBCOMMITTEE 1	SUBCOMMITTEE 2	SUBCOMMITTEE 3
Description		
Records storage, management, and retention	Receipt of and response to records requests	IPRA enforcement and delayed production
Topics		
• Proactive transparency • Private and public retention of public records • File management and storage, including related technologies • Staffing, including professional requirements and training	• Redaction and withholding • Sensitive records • Types of requestors • Fees	• Damages, penalties, and non-litigative pathways of enforcement • IPRA Ombudsman • Contentious aspects of responding to IPRA requests • Statutory clarifications on overly burdensome requests, unclear requests, and request abandonment
Members		
Mr. Watson, Mr. Williams	Mr. Eshleman, Ms. Mills, Ms. Moskowitz	Ms. Martinez, Mr. Stalter, Chair Zaritsky

Week of August 24, 2026

Subcommittees 1, 2, and 3 met virtually to discuss their corresponding areas of focus and to plan their production of work products in advance of the following week's full Task Force meeting. As no subcommittee consisted of a quorum of Task Force members, these meetings did not follow the meeting notice, agenda, or minutes requirements of OMA. However, these virtual meetings were openly held, and both virtual access information and meeting recordings were published on the Task Force microsite. Any subcommittee's work product that was submitted to Chair Zaritsky before the Task Force's September 3, 2026, meeting, was then shared with the Task Force.

September 3, 2026

The Task Force held its fourth deliberative meeting online through Microsoft Teams from around 2:04 pm to around 4:48 pm. All Task Force members attended virtually, and Ms. Moskowitz and Mr. Eshleman joined virtually after roll call attendance.

The Task Force approved the draft meeting minutes for its August 20, 2026, meeting. Subcommittees 1, 2, and 3 shared their work with the Task Force and Task Force members provided feedback on the draft recommendations as presented by the subcommittees. Task Force members additionally reviewed the planned work schedule for the remaining weeks leading up to the Legislature's requested October 1, 2026, report deadline.

Week of September 7, 2026

Subcommittees 1, 2, and 3 met virtually to discuss their corresponding areas of focus and to review Task Force feedback from the September 3, 2026, meeting. Subcommittees were tasked with building out their previously-submitted work product and sending final work products to Chair Zaritsky before the Task Force's next meeting on September 16, 2026.

September 11, 2026

The Task Force submission portal for written public comments, as hosted on the Task Force microsite, was closed. The IPRATaskForce@nmdoj.gov email address remained open to public comment related to the Task Force's drafting of its final report.

Phase 4

September 16, 2026

The Task Force held its fifth deliberative meeting both in person at the University of New Mexico in Albuquerque and online through Microsoft Teams from around 2:02 pm to 5:15 pm. Ms. Mills, Mr. Stalter and Mr. Watson joined virtually, and Ms. Martinez joined in person after roll call attendance.

The Task Force approved the draft meeting minutes for its September 3, 2026, meeting. In response to requests from Task Force members, the Task Force did not vote on final recommendations as planned during this meeting, but instead discussed said recommendations, with each member voicing informal support of or opposition to each. Members reviewed the work of Subcommittees 1, 2, and 3, but did not have sufficient time to discuss the final two of the six recommendations shared by Subcommittee 3 (although these recommendations were read aloud for the benefit of meeting attendees). Before adjourning, the Task Force voted to close the IPRATaskForce@nmdoj.gov email to public comment on September 24, 2026, in order to allow for sufficient time to incorporate public comments before report submission. Members also reviewed the planned work schedule for the weeks remaining before October 1, 2026.

September 23, 2026

The Task Force held its sixth deliberative meeting both in person at the University of New Mexico in Albuquerque and online through Microsoft Teams from around 9:03 am to 12:13 pm. Mr. Eshleman's proxy, Mr. Walker Boyd, joined in person; Ms. Martinez, Ms. Mills, and Mr. Stalter joined virtually; and Ms. Moskowitz and Mr. Watson joined virtually after roll call attendance.

The Task Force approved the draft meeting minutes for its September 16, 2026, meeting. Subcommittee 1 members presented their final recommendations to the Task Force for formal vote. For each recommendation, Task Force members had the opportunity to share their stances and propose amendments, after which members voted on the approval of each recommendation. The Task Force approved all but one of Subcommittee 1's recommendations, with some amended, on the following topics: data, training, paper records, proactive publication and a traffic accident report portal, and IPRA program technology. Members discussed Subcommittee 1's credentialing recommendation but did not have sufficient time to revisit and vote upon it after revisions were made during the meeting. Subcommittee 2 also presented their final recommendations to the Task Force, and members engaged in the same process of review. The Task Force did not have sufficient time to discuss or vote on all of Subcommittee 2's recommendations, but did approve its recommendation on the protection of children and other victims and voted on but did not approve its recommendation to provide clarity to IPRA's "excessively burdensome or broad" designation. Members approved an amendment to a Subcommittee 2 recommendation regarding out-of-state requestors, but did not vote on approval of the amended recommendation. Finally, the Task Force agreed to send a letter containing all approved recommendations to the interim Courts, Corrections and Justice Committee and the Legislative Finance Committee by October 1, 2026, in order to fulfill the HJM 2's requested deadline. The Task Force additionally agreed to take more time to complete the final report.

September 24, 2026

The IPRATaskForce@nmdoj.gov email address was closed to public comment, marking the end of the Task Force's solicitation of public comment.

September 29, 2026

The Task Force held its seventh deliberative meeting both in person at the University of New Mexico in Albuquerque and online through Microsoft Teams from around 2:03 pm to 5:30 pm. Mr. Eshleman, Ms. Martinez, Ms. Mills, and Mr. Stalter joined virtually, and Ms. Moskowitz and Mr. Watson joined virtually after roll call attendance.

The Task Force did not approve the draft meeting minutes for its September 23, 2026, meeting due to an insufficient number of members voting. The Task Force began by revisiting the amended Subcommittee 2 recommendation concerning out-of-state requests for body camera footage. As in the preceding meeting, for each recommendation, Task Force members had the opportunity to share their stances and propose amendments, after which members would vote on the approval of each recommendation. The Task Force approved the amended out-of-state requests for body camera footage recommendation but did not approve the final Subcommittee 2 recommendation on multitrack processing or sequencing of requests. The Task Force then moved to Subcommittee 3's recommendations, and approved those concerning an IPRA Ombudsman, an articulation of factors for per diem penalties, and a duty to respond to custodian communications about fees. Recommendations on a statute of limitations and a cure process were not approved. Subcommittee 1's recommendation on credentialing was then revisited and approved by the Task Force. Finally, the Task Force reviewed a draft letter containing all approved recommendations to be sent to the interim Courts, Corrections and Justice Committee and the Legislative Finance Committee by October 1, 2026. The Task Force approved the inclusion of all approved recommendations, with opposing and abstaining members and organizational affiliations noted, and approved an edited letter to be sent to the aformentioned committees.

October 1, 2026

The Task Force's letter containing all approved recommendations was sent to the chairs and vice chairs of the interim Courts, Corrections and Justice Committee and the Legislative Finance Committee.

October 9, 2026

The Task Force held its eighth and final deliberative meeting both in person at the University of New Mexico in Albuquerque and online through Microsoft Teams from around 1:04 pm to 2:58 pm. All Task Force members were present except for Mr. Stalter and Mr. Watson. Mr. Eshleman, Ms. Mills, and Ms. Moskowitz joined virtually.

The Task Force approved the draft meeting minutes for its September 23, 2026 (with amendments) and September 29, 2026, meetings. Task Force members discussed a draft version of the final report and provided suggested edits to the content and format. All present members voiced their support for submitting a final version of the draft report to the interim Courts, Corrections and Justice Committee and the Legislative Finance Committee. The Task Force informally agreed that, for any future meetings of the interim Courts, Corrections and Justice Committee or the Legislative Finance Committee to which the Task Force is called to present their work, Mr. Williams and either Mr. Eshleman or Ms. Martinez would attend on behalf of the body. If Mr. Williams was unavailable, Ms. Moskowitz or Ms. Mills would present in his stead. Hearing no requests from members to meet again prior to the submission of the final report, Chair Zaritsky adjourned the last meeting of the IPRA Task Force.

Solicitation of Written Public Comment

In addition to the public comment heard during the Phase 1, 2, and August 20, 2026, meetings, the Task Force solicited written public comment through both a submission portal on the official Task Force microsite and a dedicated email address. This portal was opened on April 30, 2026, and closed on September 11, 2026, to ensure that Task Force members had sufficient time to review comments before finalization of the final report. The NMDOJ also dedicated an email address, IPRATaskForce@nmdoj.gov, to the Task Force, which remained open to general written public comment through September 11, 2026, and to written public comment on the Task Force's drafting of its final report through September 24, 2026. Both the comment submission portal and the Task Force email address were advertised to the public at each of the Phase 2 meetings of the Task Force. The closure deadlines for both the submission portal and the Task Force email were posted to the microsite before said closures.

To ensure that all Task Force members had access to the submitted written comments, a OneDrive folder was shared over email with all members. This folder contained a Microsoft Word document that was updated with written comments received by the Records Custodian; all attachments that were sent as accompanying written public comment were also uploaded into this shared folder. The folder additionally included comments sent through the Teams question and answer functionality during several Task Force meetings, as referenced in this appendix's preceding paragraphs. Support staff attempted to compile written comment sent through this meeting functionality that appeared to be public comment.

APPENDIX B

Summary of Public Comments

The Task Force received and recorded a total of 311 public comments between April 30, 2026 and September 24, 2026, the close of the public comment period. These comments were provided by 207 identified individuals and 16 anonymous or otherwise unidentified contributors, with many individuals providing multiple submissions. Comments were received via various channels: the submission portal hosted on the Task Force microsite (86), emails to IPRATaskForce@nmdoj.gov (45), oral remarks at public meetings (166), written remarks at public meetings (13), and physical mail to the NMDOJ (1).

Commenter Affiliation

To summarize the sources of public comments, staff classified each comment based on a commenter's stated affiliation. Comments were classified as originating from either *governmental entities* (employees, members, or affiliates of governmental entities receiving and responding to records requests) or *non-governmental entities* (individuals or organizations requesting records or otherwise commenting on records releases).

In cases where comments noted affiliations with both groups (e.g., a governmental employee who also requests records), or where the commenter's affiliation was not stated, classification was based on a subjective interpretation of the dominant perspective expressed in the comment. When possible, commenter affiliation was further classified into subgroups, as suggested by the stakeholder categories enumerated in HJM 2.[425] One comment could not be confidently classified and was recorded as "Undetermined."

Table 12 displays the count of comments and commenters for each group and subgroup. The Task Force received a comparable number of comments from governmental (158) and non-governmental entities (152). On average, governmental submitters provided slightly fewer comments per individual (1.3 per individual) than non-governmental submitters (1.5 per individual).

Comment Topics

To summarize the nature of public comments, each submission was reviewed and classified with topic labels using a large language model ("LLM"; Claude Haiku 4.5). Potential topics were developed using an iterative, hybrid expert- and data-driven process, designed to avoid the limitations of a purely top-down or bottom-up approach.[426] The initial topic and sub-topic categories were determined by the Task Force in their creation of and assignation of foci to subcommittees; staff then expanded on this list in an effort to more comprehensively reflect the themes presented in public comment. In reviewing each comment, the LLM was permitted to raise substantive issues not captured by existing sub-topics. In addition, comments left unlabeled after an initial pass were specifically re-reviewed to surface remaining gaps. Additional sub-topics proposed by the LLM were evaluated and incorporated by staff. All comments were then reclassified against the finalized topic list in a final pass. Comments could receive more than one label where they raised multiple issues, or no label if none of the topics applied.

[425] H.J.M. 2, 57th Leg., 2nd Sess.

[426] A purely top-down taxonomy risks overlooking issues that the Task Force did not identify, while a purely model-driven taxonomy risks generating unstable categories or topics incongruent with the work and recommendations of the Task Force.

Table 12: Number of public comments and commenters by affiliation / perspective.

AFFILIATION / PERSPECTIVE	# COMMENTS	# COMMENTERS
Governmental Entities	**158**	**120**
Judicial Body	13	11
Law Enforcement	14	13
Education	33	28
General Government	98	68
Non-Governmental Entities	**152**	**102**
Private Law Practice	17	17
Media	21	14
Advocacy Group	21	18
General Public	93	53
Undetermined	**1**	**1**
Total	**311**	**223**

When a written comment's substantive content was contained in an attached file (e.g., a letter), the contents of the attachment were provided to the LLM for classification. Where a comment consisted of oral remarks at a public meeting, the relevant portion of the meeting transcript[427] was provided to the LLM, including both the speaker's initial remarks and any subsequent remarks in response to questions from Task Force members. Transcripts were reviewed by staff to correct errors; in some cases, however, poor audio quality significantly limited transcription quality.

Following the final pass of LLM classification, staff reviewed the topic labeling results and found them reasonable, but observed that the LLM occasionally omitted applicable labels. These omissions were deemed acceptable because LLM classification applied the same criteria to each comment—a consistency not guaranteed in human labeling—and because the full contents of all recorded comments are included or linked in this report, enabling readers to complete their own assessments.

Table 13 displays the list of comment topics and sub-topics, along with the number of comments within each topic disaggregated by governmental or non-governmental affiliation. On average, comments were labeled with 3.1 topics per comment, with comments from governmental commenters assigned more topic labels (3.4 topics per comment) than those from non-governmental commenters (2.8 topics per comment)

Based on the LLM classification, the most common sub-topics raised by non-governmental commenters include:

- General support for maintaining or strengthening IPRA (64 comments)
- The importance of IPRA in holding public officials accountable or identifying corruption (42 comments)
- Inadequate enforcement of IPRA (35 comments)
- Proactive publication of routine or frequently requested records (28 comments)

In contrast, the most common sub-topics raised by governmental commenters include:

- Understaffing and workload burden relative to request volume (54 comments)

[427] Transcripts were generated from meeting recordings using automated speech recognition algorithms provided by YouTube's Automatic Caption feature.

- Specific types of requestors, notably data brokers (27 comments), vexatious requestors (24), out-of-state requestors (24), and YouTubers (20)
- Fee collection to recoup the costs of request fulfillment (24 comments)

Both groups also raised the following sub-topics in more than 10 comments each:

- Professional standards (training or certification) for records custodians
- Data collection on IPRA request volume, requestor types, and response times
- Statutory clarification of IPRAS's "excessively burdensome or broad" designation

Table 13: Comment topic counts, separated by affiliation with governmental and non-governmental entities. The Total column also includes comments where the affiliation was undetermined.

TOPIC	GOVERNMENTAL	NON-GOVERNMENTAL	TOTAL
Access & Accountability			
RecordAccess-Strengthen General support for maintaining or strengthening IPRA	1	64	65
RecordAccess-Accountability Necessary to hold public officials accountable / identify corruption	0	42	42
Reprisals			
Reprisals Retaliation against requestors, including litigation or counter-suits by public bodies	2	7	9
Proactive Transparency			
ProactiveTransparency Proactive / automatic publication of routine or frequently-requested records	4	28	32
Entity Coverage Under IPRA			
EntityCoverage IPRA application to government-created or appointed entities (e.g., special masters, disciplinary boards), or to privately-operated entities performing government functions (e.g., private prisons, contracted service providers)	1	9	10
Records Systems and Compliance			
RecSys-Storage Technology to store, search, and retrieve records	1	4	5
RecSys-Requests Technology to receive / review IPRA requests	11	6	17
RecSys-RedactionTech Technology to redact documents and videos	12	2	14
RecSys-Digitization Support for record digitization	1	4	5

Table 13 – Continued

TOPIC	GOVERNMENTAL	NON-GOVERNMENTAL	TOTAL
RecSys-Retention Compliance with records retention and destruction schedules	0	4	4
Record Custodian Staffing and Support			
Staffing-Workload Under-staffing and workload burden relative to request volume	54	6	60
Staffing-Burnout Secondary trauma / burnout among staff	4	1	5
Staffing-Budget Appropriations / budget for records custodians	20	10	30
Staffing-ProfessionalStandards Professional standards (training, certifications) and job classification for records custodians	12	17	29
Required Data Collection			
DataCollection IPRA request volume, requestor types, response timeline	18	11	29
Redaction and Withholding			
Redaction-Standards Clarification on what can be redacted or withheld	7	4	11
Redaction-Privacy Redaction of video footage of personal or private property	14	2	16
Redaction-Violence Redaction of video footage of graphic violence, injury	2	1	3
Redaction-Errors Incomplete, incorrect, or inconsistent redactions	4	5	9
Redaction-TimeBurden Time burden of reviewing, redacting videos and emails	18	0	18
Sensitive Records			
Sensitive-Juvenile Juvenile records, forensic interviews	12	6	18
Sensitive-Victims Victims of crime records	13	4	17
Sensitive-Infrastructure Infrastructure and utility records (maps, IT systems) where disclosure creates security risk	12	0	12
Requestor / Request Types			
Requestor-Vexatious Vexatious requests	24	4	29

Table 13 – Continued

TOPIC	GOVERNMENTAL	NON-GOVERNMENTAL	TOTAL
Requestor-Impede Requests intended to burden or impede public bodies	11	4	15
Requestor-OutOfState Out-of-state requestors	24	7	31
Requestor-DataBroker Data brokers or commercial requestors	27	11	38
Requestor-SocialMedia YouTubers / TikTokers	20	4	24
Requestor-JournalistCriteria Criteria to be qualified as media / journalist	0	3	3
Requestor-AI AI / bots / automated requests	17	2	19
Requestor-ExploitWomen Requests targeting / exploiting women	5	0	5
Requestor-DiscoveryBypass Requests which circumvent or bypass discovery process	8	1	9
Requestor-Batch Multiple / batch requests	17	1	18
Fees			
Fees-Recoupment Cost recoupment	24	10	34
Fees-ByType Applied to some requestor types (e.g., out-of-state or commercial)	5	3	8
Fees-AfterThreshold Applied after a set amount of processing time (e.g. 1 hour)	3	0	3
Custodian Determination			
CustodianDetermination Identifying the responsible custodial agency	1	2	3
Enforcement			
Enforcement-Damages Damages, penalties assessed on public body	18	4	22
Enforcement-NoticeCure Notice or cure provision	12	3	15
Enforcement-Mediation Non-litigative enforcement, informal or formal mediation, resolution out of court	4	6	11

Table 13 – Continued

TOPIC	GOVERNMENTAL	NON-GOVERNMENTAL	TOTAL
Enforcement-RepeatViolators Agencies or public bodies that repeatedly violate IPRA	1	1	2
Enforcement-LackOf Lack of enforcement of, failure to enforce IPRA	1	35	36
Delayed Production			
DelayedProduction Excessive time to produce responsive records	6	15	21
Centralized Advisory Resource			
Resource-Ombudsman State or regional ombudsman	4	7	11
Resource-AdvisoryOpinion Office providing legal resources, advice	2	0	2
Statute Clarifications			
Statute-Burdensome Definition/standard for “burdensome or broad” requests	25	14	39
Statute-NoRecords Standard for “no responsive records” responses	0	4	4
Statute-Abandonment Standard for request abandonment / non-response closure	1	0	1
Statute-ExemptionConsistency Standardization of exempt records regardless of custodial agency	16	7	24
Statute-ChildrensCode Standardization of IPRA with the Children’s Code and other referenced statutes	8	4	12
Statute-Limitations Statute of limitations	5	1	6

APPENDIX C

Public Comments

Public comments are presented below in the order in which they were received. Each entry includes the commenter's name, title, affiliation group, and assigned topic label(s). Written comments are reproduced in full, while oral comments made during public meetings are listed with a hyperlink to the corresponding position in the meeting's video recording. Due to audio quality issues, some speaker names may be inaccurate. When the entirety of a name could not be discerned, it was recorded as "Unidentified." When individuals elected to submit comments anonymously, their names are recorded as "Anonymous."

Some written submissions have been excluded from this compilation. These include duplicate entries (7), auto-replies or out-of-office responses (3), general inquiries to the Task Force (4), questions about meeting logistics (28), an unrelated Open Meetings Act complaint (1), and specific IPRA requests or correspondence regarding such requests (19).

Many submissions included one or more attachments. Attachments asserting a position, argument, or recommendation about IPRA or the Task Force's work are embedded in Appendix D. Attachments provided as reference material in support of comments (e.g., data, spreadsheets, exemplar records or requests, court filings) are web-hosted and hyperlinked in the relevant comment. When attachments or handouts were provided in physical formats, their contents were digitized to enable full-text search and accessibility.

A Comment Index below groups submissions by individual (when known) with hyperlinks to each individual's comment(s).

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Kenneth Abeyta — IT Director, San Miguel County 204

Heidi Adams — District Attorney, 10th Judicial District Attorney's Office 012

Shari Adkisson 188

Diana Alba-Soula — Project Manager, Southern New Mexico Journalism Collaborative 110

Margery Albillar 005, 049, 089, 115, 140, 141, 173, 208, 233, 261

Sharon Alexander — Records Custodian, New Mexico Corrections Department 206, 219

Vanessa Alexander 275

Christopher Allred 163, 170

Joy Ansley — County Manager, San Miguel County 201

Jaye Arellano — Public Records Custodian, Otero County 076

Melissa Arellano — Records Custodian, Albuquerque Public Schools 255

Lichelle Armstrong 284

Lori Armstrong 084, 153

Michael Pruitt Asenap — IPRA Compliance Clerk, City of Belén 287

Denise Avila — Public Relations / Media Coordinator, Santa Fe County Sheriff's Office 230

Sarah Azibo — Burque Beat 252

Christine Barber — Executive Director, Foundation for Open Government 085

Sean Barham — Executive Director, Las Cruces Public Schools 189

Katelynn Bayley — Village of Bosque Farms 071

Chris Benoit — Benoit Legal, PLLC 108

John Bernitz — District Attorney, Eleventh Judicial District Attorney's Office, Division II 166

David Black — Sheriff, Otero County Sheriff's Office 142

Walker Boyd — Santa Fe County Attorney, Santa Fe County Board of County Commissioners 297

Erin Bradshaw — Central New Mexico Community College 280

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Brian — Grant County 125

Michael Brockett — Sheriff, Curry County 015

Cathrynn Brown — State Representative, House District 55 . . . . . 040, 048

Cassandra Brulotte — General Counsel, Office of Broadband Access and Expansion 259

Shannan Brumley — Taos County 279

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Kerri Carpenter — Vice President, San Juan College 176

Teresa Casarez — Director of Risk Management & Strategic Projects, Eastern New Mexico University 010, 031, 036

Ambrosio Castellano Jr. — County Attorney, San Miguel County 199

Maria Ceballos — Immigration Program Coordinator, Enlace Comunitario 148

Bill Church — Editor, Santa Fe New Mexican 224

Israel Chávez 095

Jason Clack — General Counsel, New Mexico Department of Information Technology 263

Patrick Cohn — County Treasurer, Grant County 138

Richard Coltharp 191

Lauren Coupland 073

Rachel Cox — Deputy Director, New Mexico Coalition of Sexual Assault Programs 019

Peter St. Cyr — Journalist 253, 293, 299, 302, 304, 310

Noel Davis — City Clerk, City of Rio Rancho 209, 249

Russell Davis 083

April Deale-Thomas — Records Coordinator, Doña Ana County 013, 025, 028, 035, 105, 171, 182

Dora Degroot — Senior IPRA Administrator, Eddy County 052

Kenneth Dehoff 065

Todd Dekay — Government Relations Officer, Eastern New Mexico University 027

Samantha Dewey 307

Terri Dixon — Legal Assistant, Doña Ana County 165

Tina Dixon — County Commissioner, Roosevelt County 026

Quay Dominguez — IPRA Compliance Manager, City of Carlsbad 041, 043, 051, 091, 172

Brad Douglas — City Attorney, City of Las Cruces 100

Danielle Duran — Intergovernmental Affairs Manager, Los Alamos County 301

Chris Edwards — Journalist, Alamogordo Daily News 079, 094

Katie Espinoza — Deputy CEO, Fifth Judicial District Court 032

Melissa Ewer — Director, New Mexico Children's Alliance 047

Amber Fayerberg 060

Shane Ferrari — Sheriff, San Juan County Sheriff's Office 178

Martin Fischer — Assistant General Counsel, Early Childhood Education & Care Department 277

Kristina Fisher — Associate Director, Think New Mexico 225

Sean Fitzpatrick 059

Jack Fortner — District Attorney, Eleventh Judicial District Attorney's Office, Division I 175

Rodney Fox 190

Cassandra Fresquez — City Clerk, City of Las Vegas 205

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Comment-001

Public Remarks - Albuquerque Meeting · Apr 30, 2026

James Vancleave — Deputy County Attorney, Doña Ana County
General Government

Requestor-OutOfState Requestor-ExploitWomen

Comment-002

Public Remarks - Albuquerque Meeting · Apr 30, 2026

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government

Staffing-Workload Staffing-Burnout Requestor-Impede

Comment-003 *Public Remarks - Albuquerque Meeting · Apr 30, 2026*

Jason Sanchez
General Public
RecordAccess-Strengthen RecordAccess-Accountability Reprisals
Staffing-ProfessionalStandards Enforcement-LackOf

Comment-004 *Submission Portal · Apr 30, 2026, 9:34 AM*

Joseph Sawyer — San Juan County
General Government
Staffing-Workload DataCollection Redaction-TimeBurden Requestor-DataBroker Requestor-AI
Requestor-DiscoveryBypass Fees-Recoupment

In the two-year period from January 1, 2023 to December 31, 2025, San Juan County saw an overall increase in IPRA requests from 3952 in 2023 to 4804 in 2025, a percentage increase of 21.56%. Of the 4804 requests the County received in 2025, 4102 of the requests were directed to the Sheriff's Office, and the rest (702) were directed to the County. There was a very big jump in volume with adoption of dashcam and lapel cameras that is not reflected here.

Workload:

In total, the County has 14 employees who spend significant time responding to IPRA requests. Of the 14, 1 works in the Legal Department, 1 at the Adult Detention Center, and 12 at the Sheriff's Office. These numbers do not include employees in individual departments of the County who assist in obtaining information from their departments.

For the 624 requests the San Juan County received separate from the Sheriff's Office, my office manager spent about 60% of her time working on IPRA. She estimates that about 70% of the requests that she handles come from government agencies.

The Sheriff's Office is in the process of hiring another employee dedicated solely to IPRA. Currently the Sheriff's Office has 12 employees who work on IPRA requests. Three employees spent 80-90% of their time on video redaction. In addition to the 3 video redaction employees, 8 employees each spend about 30% of their time fulfilling IPRA requests. The IPRA manager spends about 20 of her time responding directly to IPRA.

A great deal of the Sheriff's Office's time is spent responding to producers of commercial content for the Internet. This content is similar to what can be seen in old "COPS" TV episodes. The Internet producers of this content first ask for all police reports dealing with crimes like batteries, DWIs, etc. The police reports are then used to ask for video footage regarding these events. The Sheriff's Office spends many hours going through this video and redacting content pursuant to IPRA exclusions. In effect, the Sheriff Office is being used to provide commercial content for YouTube and other Internet applications. Since these video records are electronic, the Sheriff's Office cannot charge anything for these records.

We have also seen an increase in the use of bots making IPRA requests. These bots disguise themselves as humans, often using fake addresses and disconnected phone numbers. When we try to communicate with these bots we are unable to get a response. When we cannot get a response from the requester, we end up

pausing or cancelling the request, often after we have put significant work into trying to fulfill the request. I would like to see the practice of using bots be restricted by law.

We receive many requests from non-San Juan County attorneys who do not represent the person about whom they are requesting information. These requests are onerous because they must be redacted. To the extent that IPRA is being used to bypass discovery or to solicit clients, it needs to be strengthened to prevent these practices.

Recommendations:

1. Allow government entities to charge for time spent responding to requests. Perhaps the charges could be waived for government entities, news outlets or watchguard groups.
2. Restrict IPRA's use for legal client solicitation and discovery.
3. Enact guidelines that prevent or reduce the use of bots for IPRA requests.
4. Provide extended response timelines, especially for documents requiring redaction.

Comment-005 *Submission Portal · Apr 30, 2026, 6:16 PM*

Margery Albillar
General Public
EntityCoverage

I want to address a gap in the Inspection of Public Records Act that this task force has the ability to fix.

IPRA is meant to ensure transparency and accountability in government. But today, there are entities performing powerful public functions that have not been considered "public bodies" under the law when sued in New Mexico's District Courts. Specifically, court-appointed Special Masters, and the Disciplinary Board, an agency of the Supreme Court of the state of New Mexico.

This is not theoretical. I personally sought records related to actions that directly impacted my property rights and my family. The courts ruled that these entities are not subject to IPRA. That leaves people like me without access to records from decision-makers exercising authority under color of law.

Special Masters are used in foreclosure proceedings across every district court in New Mexico. They conduct sales and directly affect ownership rights. Yet they are not subject to the same transparency requirements as other public actors performing similar functions.

The same is true for the Disciplinary Board, an agency of the Supreme Court. They are responsible for attorney oversight and accountability, but when concerns arise, the public cannot access records to understand what happened.

I also want to be candid about the reality of trying to address this through the courts. I was told it would be political suicide for an attorney to bring a case against the Disciplinary Board. And because Special Masters are used statewide, I was told I had little chance of success challenging that system in court.

That means this is not just a legal issue, it's a structural one. And the courts are not in a position to fix it.

The only meaningful solution is legislative change.

I urge this task force to recommend amending IPRA to explicitly include:
court-appointed Special Masters, the Disciplinary Board, an agency of the Supreme Court if the state of New Mexico within the definition of "public body."

Transparency should follow the exercise of public power, not technical classifications.

Thank you.

Comment-006 *Submission Portal · May 1, 2026, 12:24 PM*

Anonymous
General Government
Staffing-Workload | Redaction-TimeBurden | Requestor-Impede | Requestor-Batch | Fees-Recoupment

Hello,

I am writing to provide input regarding potential reforms to the New Mexico Inspection of Public Records Act. As the sole records custodian for the County, I am experiencing a significant and increasing administrative burden associated with large-scale and repetitive public records requests. In particular, requests seeking "any and all records" related to arrests or criminal cases, including body-worn camera footage, incident reports, and related materials, require extensive time and resources to process. These requests often involve substantial staff time for retrieval, review, redaction, and production, particularly where video evidence is involved. In recent years, certain organizations have adopted practices of submitting high-volume, recurring requests for nearly every arrest or charge filed. While compliance with IPRA remains a priority, the cumulative impact of these requests has become operationally burdensome and strains limited governmental resources, especially in smaller jurisdictions with constrained staffing and technological capacity.

Unlike some other states, New Mexico currently provides limited authority to recover the actual costs associated with fulfilling complex or resource-intensive requests. By comparison, states such as Arizona, Ohio, Indiana, and Washington have adopted frameworks that allow agencies to recover certain costs associated with producing public records, particularly law enforcement video. In light of these models, I would strongly support consideration of statutory amendments to IPRA that would allow for reasonable cost recovery, especially for labor-intensive requests such as body camera footage and large-volume records productions. Carefully structured fee provisions would help offset the significant administrative burden placed on public agencies while still preserving meaningful public access to records. Additionally, implementing such measures may discourage excessively broad or repetitive requests and allow agencies to allocate limited resources more effectively toward fulfilling targeted and substantive public records requests.

Thank you for your time and consideration.

Comment-007 *Submission Portal · May 4, 2026, 11:22 AM*

Anonymous
Requestor-Vexatious | Enforcement-Mediation | Statute-ExemptionConsistency

The task force should consider amending NM's IPRA to resemble Connecticut's Freedom of Information Act (§ 1–200 to § 1–259). Connecticut's FOIA is much more comprehensive in its list of expressly exempt records. Further, Connecticut's FOIA creates a Commission (not unlike the NM Human Rights Commission) to resolve contested requests at an administrative appeal stage. Additionally, there is a mechanism to resolve instances of vexatious requests made by a requester who merely seeks to harass a public agency.

Connecticut's FOIA ensures public transparency, while also protecting public agencies (who themselves represent the public) from vexatious requests and from disclosures of sensitive information that IPRA doesn't cover (or cross-referenced statutes).

Comment-008 *Submission Portal · May 4, 2026, 12:10 PM*

Tom Johnson
General Public
ProactiveTransparency

While the creation of this task force may be a step forward, the exclusion of citizen stakeholders from its membership is a significant oversight. For 15 years, I have pushed for a shift toward an Open Data philosophy, policies and implementation in New Mexico, yet the prevailing approach, with a few exceptions, remains focused on hindering access to "documents." We must move past this paper-centric view to recognize that data is the true asset. I would appreciate the chance to testify and explain how a robust Open Data philosophy can streamline government operations while fostering economic growth and public trust.

Comment-009 *Email · May 12, 2026, 8:28 AM*

David Pardo
General Government
RecSys-Requests Staffing-Workload Staffing-Budget Staffing-ProfessionalStandards DataCollection

Dear Members of the IPRA Implementation Study Task Force and Sponsoring Legislators:

Attached please find my contribution to the IPRA Implementation Study Task Force. "From Access to Capacity" (pending review for publication with the State Bar of New Mexico) argues that New Mexico's open-records law, IPRA, cannot function as intended unless agencies maintain adequate staffing to meet statutory deadlines. Using multi-agency IPRA data collected through several records requests, the article shows rising request volumes, growing backlogs, and a clear tipping point—around 400–500 requests per staffer—where delays become systemic.

I recommend codifying a "staffing duty clause," treating chronic understaffing as potential bad-faith withholding, requiring annual transparency reports from agencies, and adopting automation tools when volumes rise. The overarching theme: transparency rights collapse without the capacity to fulfill them.

Thank you for your consideration,

David Pardo
Long-time records custodian and IPRA attorney
dpardo@outlook.com
505-301-0951

Attachments (1):
From Access to Capacity.pdf

Comment-010 *Submission Portal · May 18, 2026, 9:31 AM*

Teresa Casarez — Director of Risk Management & Strategic Projects, Eastern New Mexico University
Education
Requestor-DataBroker Statute-Burdensome

There should be a list of criteria allowing you to make an IPRA request or a list of uses for an IPRA request. Some employees use IPRA to gain knowledge on their own co-workers burdening the system. Additionally, those that sell info for profit burden the system. These types should be banned from requesting.

Comment-011 *Submission Portal · May 21, 2026, 8:34 AM*

Sarah Stubbs — Portales Municipal School District
Education
DataCollection Requestor-DataBroker Requestor-AI Statute-Burdensome

I am the Business Official for the Portales Municipal School District. The increase in IPRA requests for financial records has increased over 500% over the last 5 years. All the requests look like they have been created by AI, same format and same syntax. None of them have been for a real purpose. All have been to sell our information to other companies. I don't have an issue with requests that are using the data for research, but wasting my time to sell this information to other companies, seems like a waste of tax payer dollars that are used to pay my salary. I understand IPRA requests when people are genuinely looking at our information, but these requests are out of control and a complete waste of time.

There needs to be some information in the law that narrows the requests for legitimate purposes. The worry I have is that no matter what you do, these companies will find a way to misinterpret state law.

Comment-012 *Public Remarks - Clovis Meeting · May 26, 2026*

Heidi Adams — District Attorney, 10th Judicial District Attorney's Office
Judicial Body
Staffing-Workload Sensitive-Victims Requestor-DataBroker Requestor-SocialMedia
Requestor-DiscoveryBypass Statute-ExemptionConsistency

Comment-013 *Public Remarks - Clovis Meeting · May 26, 2026*

April Deale-Thomas — Records Coordinator, Doña Ana County
General Government
Redaction-Privacy Requestor-OutOfState Requestor-ExploitWomen

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Comment-014 *Public Remarks - Clovis Meeting · May 26, 2026*

Martin Zamora — State Representative, House District 63
General Government
Redaction-Violence

Comment-015 *Public Remarks - Clovis Meeting · May 26, 2026*

Michael Brockett — Sheriff, Curry County
Law Enforcement
Staffing-Workload | Redaction-Violence | Redaction-TimeBurden | Requestor-SocialMedia

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Comment-016 *Public Remarks - Clovis Meeting · May 26, 2026*

Mandy Park — County Clerk, Roosevelt County
General Government
Redaction-TimeBurden | Requestor-SocialMedia | Fees-Recoupment

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Comment-017 *Public Remarks - Clovis Meeting · May 26, 2026*

Quentin Ray — District Attorney, Ninth Judicial District Attorney's Office
Judicial Body
Staffing-Workload | Redaction-Standards | Redaction-Errors | Sensitive-Juvenile | Sensitive-Victims | Enforcement-Mediation | Statute-ExemptionConsistency | Statute-ChildrensCode

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Comment-018 *Public Remarks - Clovis Meeting · May 26, 2026*

Leighann Melancon — Finance Director, City of Clovis
General Government
Redaction-TimeBurden | Requestor-SocialMedia | Fees-Recoupment | Statute-ChildrensCode

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Comment-019 *Public Remarks - Clovis Meeting · May 26, 2026*

Rachel Cox — Deputy Director, New Mexico Coalition of Sexual Assault Programs
Advocacy Group
Sensitive-Juvenile | Sensitive-Victims

Comment-020 *Public Remarks - Clovis Meeting · May 26, 2026*

Todd Ulses — IT Director, Curry County
General Government
Sensitive-Infrastructure | Requestor-AI

Comment-021 *Public Remarks - Clovis Meeting · May 26, 2026*

Cristine Watson — Office of Planning and Policy, Eastern New Mexico University
Education
Staffing-Workload | Redaction-TimeBurden | Sensitive-Juvenile | Statute-ChildrensCode

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Comment-022 *Public Remarks - Clovis Meeting · May 26, 2026*

Lance Pyle — County Manager, Curry County
General Government
DataCollection Redaction-TimeBurden Requestor-OutOfState Requestor-Batch

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Comment-023 *Public Remarks - Clovis Meeting · May 26, 2026*

Scotty Holloman — General Counsel, New Mexico Junior College
Education
Requestor-OutOfState Requestor-DataBroker Fees-ByType Enforcement-Damages Enforcement-NoticeCure Statute-Burdensome

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Comment-024 *Public Remarks - Clovis Meeting · May 26, 2026*

Kayla Wilson — Data Clerk, Eastern New Mexico University
Education
Sensitive-Juvenile Statute-ChildrensCode

Comment-025 *Public Remarks - Clovis Meeting · May 26, 2026*

April Deale-Thomas — Records Coordinator, Doña Ana County
General Government
Redaction-TimeBurden Fees-Recoupment

Comment-026 *Public Remarks - Clovis Meeting · May 26, 2026*

Tina Dixon — County Commissioner, Roosevelt County
General Government
Enforcement-Damages Statute-Burdensome

Comment-027 *Public Remarks - Clovis Meeting · May 26, 2026*

Todd Dekay — Government Relations Officer, Eastern New Mexico University
Education
Staffing-Workload

Comment-028 *Public Remarks - Roswell Meeting · May 27, 2026*

April Deale-Thomas — Records Coordinator, Doña Ana County
General Government
Sensitive-Juvenile Sensitive-Victims Statute-ChildrensCode

Comment-029 *Public Remarks - Roswell Meeting · May 27, 2026*

Jeannie Harris — Finance Director, Dexter Consolidated Schools
Education
Requestor-Vexatious Requestor-DataBroker

Comment-030 *Public Remarks - Roswell Meeting · May 27, 2026*

Hunter Spindle — Chief Deputy District Attorney, Fifth Judicial District Attorney's Office
Judicial Body
Requestor-OutOfState Requestor-ExploitWomen

Comment-031 *Public Remarks - Roswell Meeting · May 27, 2026*

Teresa Casarez — Director of Risk Management & Strategic Projects, Eastern New Mexico University
Education
Redaction-TimeBurden DelayedProduction

Comment-032 *Public Remarks - Roswell Meeting · May 27, 2026*

Katie Espinoza — Deputy CEO, Fifth Judicial District Court
Judicial Body
Staffing-Workload DataCollection Requestor-Vexatious Requestor-DataBroker Requestor-AI
Fees-Recoupment

Comment-033 *Public Remarks - Roswell Meeting · May 27, 2026*

Dianna Luce — District Attorney, Fifth Judicial District Attorney's Office
Judicial Body
RecSys-RedactionTech Staffing-Workload Redaction-Errors Requestor-OutOfState
Requestor-DiscoveryBypass Enforcement-Damages

Comment-034 *Public Remarks - Roswell Meeting · May 27, 2026*

Shawn Powell — President, Eastern New Mexico University
Education

Comment-035 *Public Remarks - Roswell Meeting · May 27, 2026*

April Deale-Thomas — Records Coordinator, Doña Ana County
General Government
Redaction-Errors CustodianDetermination

Comment-036 *Public Remarks - Roswell Meeting · May 27, 2026*

Teresa Casarez — Director of Risk Management & Strategic Projects, Eastern New Mexico University
Education

Comment-037 *Public Remarks - Roswell Meeting · May 27, 2026*

Leora Hutchins — Ninth Judicial District Court
Judicial Body
DataCollection

Comment-038 *Public Remarks - Roswell Meeting · May 27, 2026*

Jason Sanchez
General Public
Reprisals Fees-Recoupment Fees-ByType Statute-ExemptionConsistency

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Comment-039 *Submission Portal · May 27, 2026, 11:51 AM*

Leora Hutchins — Ninth Judicial District Court
Judicial Body
RecSys-Requests DataCollection Fees-Recoupment Enforcement-Damages
Enforcement-NoticeCure

Good afternoon-

I tried emailing our (9JDC) IPRA spreadsheets to iprataskforce@nmdoj.gov, but the email was rejected because I am not a member of the organization. I would like to be able to get them to you guys, if you would allow it. CY2024: 574 IPRAs, CY2025: 1030, CY2026: 491 (so far). April 15, 2026, I started keeping track of the time it takes for each IPRA request, rounded in 5 minute increments. So far, we have spent 1,910 minutes on these requests, or close to 32 hours.

As for suggestions, I propose tolling of the $100/day once litigation has began, a 10 day grace period to correct any redactions/omissions from an IPRA once known, and having an "IPRA unit" for each branch of government. AOC for the judiciary, AODA for the DA's, etc. I know that we, at least in the judiciary, are working on a standardized fee schedule, but a statewide, agency-wide fee schedule would also be beneficial.

Thank you,

Leah Hutchins

Comment-040 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Cathrynn Brown — State Representative, House District 55
General Government

Comment-041 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Quay Dominguez — IPRA Compliance Manager, City of Carlsbad
General Government
DataCollection | Requestor-OutOfState | Requestor-DataBroker | Requestor-SocialMedia | Fees-ByType | Enforcement-Damages | Enforcement-NoticeCure | Statute-Burdensome | Statute-Limitations

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Comment-042 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Nadine Mireles — City Clerk, City of Carlsbad
General Government
DataCollection | Requestor-Batch | Fees-Recoupment

Comment-043 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Quay Dominguez — IPRA Compliance Manager, City of Carlsbad
General Government

Comment-044 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Patrick Melvin — Chief Deputy District Attorney, Fifth Judicial District Attorney's Office
Judicial Body
DataCollection

Comment-045 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Adrienne Jones — Chief of Staff, Eddy County
General Government
Staffing-Workload | Staffing-Budget | Requestor-Impede | Requestor-OutOfState | Requestor-SocialMedia | Requestor-ExploitWomen | Requestor-Batch | Statute-ExemptionConsistency

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Comment-046 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Department of Corrections
General Government
Reprisals | Staffing-ProfessionalStandards | Enforcement-Damages | Statute-ExemptionConsistency

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Comment-047 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Melissa Ewer — Director, New Mexico Children's Alliance
Advocacy Group
Sensitive-Juvenile | Sensitive-Victims | Requestor-SocialMedia | Statute-ExemptionConsistency | Statute-ChildrensCode

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Comment-048 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Cathrynn Brown — State Representative, House District 55
General Government
ProactiveTransparency | Requestor-Vexatious

Comment-049 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Margery Albillar
General Public
Enforcement-Damages | Enforcement-LackOf | Statute-NoRecords | Statute-ExemptionConsistency

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Comment-050 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Jason Sanchez
General Public
RecordAccess-Accountability | Requestor-DiscoveryBypass | Enforcement-LackOf

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Comment-051 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Quay Dominguez — IPRA Compliance Manager, City of Carlsbad
General Government
RecSys-RedactionTech

Comment-052 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Dora Degroot — Senior IPRA Administrator, Eddy County
General Government

Comment-053 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Adrienne Jones — Chief of Staff, Eddy County
General Government
Requestor-Impede | Enforcement-Damages

Comment-054 *Public Remarks - Carlsbad Meeting · May 28, 2026*

Grey Robinson — Plaintiff's Attorney
Private Law Practice
Staffing-Workload | Redaction-Errors | DelayedProduction | Statute-ExemptionConsistency

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Comment-055 *Submission Portal · May 28, 2026, 11:15 AM*

Paula Wallace — Loving Municipal Schools
Education

Staffing-Workload Statute-Burdensome

Like all small school districts whose employees wear multiple hats. An IPRA request can be quite time and resource consuming which takes away from students. Schools and districts are already short of staff. When a large IPRA request comes in, again, students suffer. Loving Municipal Schools would like to request there be a way to define the scope of an IPRA request because broad data information requests deplete district and school resources.

Thank you for taking the time to listen to New Mexico voices.

Comment-056 *Submission Portal · May 28, 2026, 4:13 PM*

Jason Sanchez
General Public
RecordAccess-Strengthen Enforcement-LackOf

Good evening. My name is Jason Sanchez

In case I cannot attend the IPRA Meeting, I would like to submit this comment to be hopefully read at the IPRA Task Force Meeting

I want to respond to the idea that IPRA should be limited for people with pending criminal cases by DA Dianna Luce. That should scare every citizen in New Mexico. When a person is facing the full power of the State, that is exactly when transparency matters most. That is not the time to blindfold the accused and give the government more control. The DA's Office already has a constitutional duty under Brady v. Maryland to turn over exculpatory evidence. So if prosecutors are doing their job, IPRA should not scare them.

But here is what this really sounds like:

The State does not disclose the record. The accused, their family, the public, or their attorney finds it through IPRA. Then the State runs to court and says, "Judge, suppress it because they found it outside discovery."

That is not justice. That is a prosecutor's escape hatch.

And now the New Mexico Supreme Court just reminded everyone what IPRA is supposed to mean: citizens are entitled to the greatest possible information about government affairs and the official acts of public officers and employees. The Court also made clear that IPRA creates a presumption in favor of access so citizens can know what public servants are doing in their name. That matters tonight. Because the answer to public records exposing misconduct, contradictions, or bad prosecutions is not less transparency. It is more transparency.

The Supreme Court also rejected broad withholding games. If a record has exempt and nonexempt information, the government cannot just hide the whole thing. They have to separate or redact the exempt part and produce the nonexempt information. That is exactly the problem citizens are facing across New Mexico: agencies using fees, portals, privilege claims, flash drives, delays, and intimidation language to make public records harder to get. And this is why IPRA matters. Public records have shown how government agencies and entities communicate behind the scenes when citizens start asking questions. I have messages showing former Eddy County Sheriff Mark Cage warning, "You have a leak within NMC," after public information involving my litigation and public records work circulated.

So when citizens use IPRA, lawsuits, and public records to expose what government officials are doing, suddenly the conversation becomes:

Limit requests.

Charge fees.

Control portals.

Force flash drives.

Delay production.

Make records harder to get.

That is the problem.

If a public record proves innocence, exposes misconduct, or contradicts the State's case, the question should not be, "How do we block the requester?"

The question should be, "Why didn't the prosecutor disclose it?"

IPRA should not be turned into a shield for Brady violations, bad prosecutions, political embarrassment, or government agencies trying to protect themselves. Limiting IPRA during pending criminal cases protects the government at the exact moment citizens need protection from the government. The accused should not lose access to public records because the State decided to charge them.

That flips due process on its head. If the State is complying with Brady, IPRA is not a threat. If IPRA exposes what the State hid or failed to disclose, the problem is not the requester.

The problem is the prosecution. And if public records expose officials coordinating, reacting, or panicking behind the scenes, the answer is not less IPRA. The answer is more sunlight.

Comment-057

Email · May 29, 2026, 4:22 PM

Jason Sanchez
General Public
RecordAccess-Accountability

Dear IPRA Task Force Members,

I am submitting this supplemental comment for the Task Force's consideration. During my public comments, I referenced a text message from former Eddy County Sheriff Mark Cage stating:

"You have a leak within NMC."

I believe this message is relevant to the Task Force's work because it shows how public-record exposure may be treated by officials as a "leak" problem instead of a transparency issue.

That mindset is exactly why IPRA matters. Public records are not the problem. What those records expose is often the problem.

When citizens use IPRA to uncover communications, contradictions, litigation coordination, or government conduct behind the scenes, the answer should not be to limit access, increase fees, delay production, or discourage requesters.

The answer should be more transparency.

Respectfully,

Jason R. Sanchez
https://exonerationregistry.org/cases/13808

Comment-058

Email · Jun 1, 2026, 1:37 PM

Adrienne Jones — Chief of Staff, Eddy County
General Government
DataCollection Requestor-OutOfState Requestor-DataBroker

Good Afternoon, Chairman Méndez and esteemed Task Force Members,

Thank you for your leadership and service on the IPRA Task Force. Our Eddy County Team thoroughly enjoyed the opportunity to participate in the May 28th Carlsbad Public Meeting. We are encouraged by the dialogue and solutions-focused analysis this Task Force is spearheading.

I am reaching out to share two documents containing Eddy County IPRA statistics. Some of the figures referenced in my comments on May 28th are represented in the attached.

These documents are as follows:
1. A tri-fold that was created by our Senior IPRA Administrative Team for our Commissioners to take to Legislative Session in January of 2026, which represents Eddy County IPRA data through December 2025.
2. Eddy County IPRA Statistics for January – April 2026 as compared to previous years, presented by our Senior IPRA Administrators at our May 19, 2026 Commission Meeting.

Thank you to Chairman Méndez, Member Eshleman, Records Custodian Zaritsky, and Assistant Attorney General Guay for travelling to Carlsbad to host last week's Public Meeting. It was a pleasure to meet each of you in person.

Eddy County is eager to contribute to this ongoing dialogue regarding IPRA reform, and we welcome you to reach out to our team at any time.

I will include our contact information below:

Mike Gallagher, Eddy County Manager
Email: mgallagher@co.eddy.nm.us
Cell: 575-361-2001

Adrienne Jones, Eddy County Chief of Staff
Email: ajones@co.eddy.nm.us
Cell: 575-689-5804

Dora DeGroot, Eddy County Senior IPRA Administrator
Email: ddegroot@co.eddy.nm.us
Cell: 575-307-1875

Sienna Cabezuela-Florez, Eddy County Senior IPRA Administrator
Email: scflorez@co.eddy.nm.us
Cell: 575-361-1643

Safe Travels as you continue your state-wide circuit of Public Meetings and thank you for your leadership in this collective pursuit of meaningful reform.

Kindest Regards,

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Attachments (2):
Eddy County IPRA Legislative Trifold January 2026.pdf
IPRA Statistics Graphic for May 19, 2026.pdf

Comment-059 *Submission Portal · Jun 2, 2026, 3:56 PM*

Sean Fitzpatrick
Private Law Practice
RecordAccess-Strengthen RecordAccess-Accountability

Good Afternoon,

Doing the right thing, especially when it is hard, is the litmus test of an individuals character. I would expect no less for the governments made up of those individuals. Especially now, in a time where public confidence in its government is at an all time low, limiting the public's right to inspect records is the opposite of what I expect of New Mexico. ANd while the task force has the appearance of neutrality, its mission is made clear by the framing graphics. IPRA requests have gone up. A basic search of use ipra shows other interesting

information. Notable instances and avenues for exposing fraud utilizing New Mexico's open records laws include:CYFD Transparency Enforcement: The NM DOJ released an Investigative Report into CYFD which detailed how the Children, Youth and Families Department used confidentiality laws to avoid transparency and obscure systemic failures.Medicaid Fraud Control: The Attorney General's Medicaid Fraud Control Division utilizes investigative records, often cross-referenced with public billings, to secure indictments against medical and counseling professionals engaged in financial exploitation.State Auditor Investigations: The Special Audits and Investigations Division of the Office of the State Auditor handles allegations of governmental fraud, releasing findings from public fund mismanagement.

Comment-060 *Submission Portal · Jun 2, 2026, 5:10 PM*

Amber Fayerberg
Private Law Practice

RecordAccess-Strengthen Statute-ExemptionConsistency

I write as a practicing civil rights and criminal defense attorney whose work in New Mexico courts depends, in meaningful and practical ways, on the Inspection of Public Records Act. I submit this comment to ensure the Task Force hears clearly from the attorneys, advocates, and citizens for whom IPRA is not an administrative inconvenience but a fundamental instrument of justice.

In civil rights litigation — police misconduct, wrongful prosecution, unlawful detention, abuse of governmental authority — IPRA is often the only mechanism by which counsel can obtain the documentary evidence needed to vindicate a client's constitutional rights. Before a lawsuit is filed, IPRA allows counsel to assess whether a claim exists, identify patterns of misconduct, and preserve evidence that government agencies would otherwise have no obligation to disclose. After litigation commences, IPRA supplements formal discovery in ways that are irreplaceable: it reaches documents that agencies may attempt to shield through litigation-based objections, it imposes its own independent legal obligations, and it puts the burden of justification squarely on the government.

When a client alleges excessive force, unlawful search, or prosecutorial misconduct, IPRA requests for body camera policies, use-of-force records, internal affairs files, and disciplinary histories are not fishing expeditions — they are the predicate investigation that makes responsible lawyering possible. Any amendment that delays response timelines, expands exemptions, or imposes fees on requestors would directly impair the ability of civil rights attorneys and their clients to pursue legitimate claims.

New Mexico should take pride, not embarrassment, in the fact that IPRA is more robust than the federal Freedom of Information Act. FOIA is notoriously slow, riddled with exemptions, and so poorly resourced at the federal level that it routinely fails the citizens it is meant to serve. New Mexico's 15-day response requirement, its private right of action, its fee-shifting provision, and its narrow exemptions are features, not flaws. They reflect a legislative determination — reaffirmed since 1993 — that in a representative democracy, public records belong to the public.

The argument that IPRA is "burdensome" is an argument that transparency is burdensome. Government agencies have an obligation to maintain records and to produce them. That obligation exists independent of whether compliance is convenient. The appropriate response to backlogs and resource constraints is to fund compliance — not to restructure the law to permit delay, increase secrecy, or price out ordinary citizens.

I am concerned that the Task Force has heard disproportionately from government custodians who experience IPRA as a workload problem. I urge the Task Force to weight equally the testimony of:

Criminal defendants and their counsel, for whom prosecutorial and law enforcement records are critical to fair trials;

Civil rights plaintiffs, including survivors of police violence and those wrongfully prosecuted, for whom IPRA is frequently the only avenue to documentary evidence;

Journalists and investigative reporters, whose ability to expose government misconduct depends on timely, affordable access to public records;

Pro se litigants and unrepresented citizens, who rely on IPRA precisely because they cannot afford litigation;

Incarcerated individuals, who are among the most vulnerable to governmental abuse, who have used IPRA to expose prison conditions, medical negligence, and systemic misconduct, and who could not afford hourly fees that would effectively price them out of the law's protections entirely; and

Ordinary New Mexicans — residents, taxpayers, and engaged citizens — who use IPRA not to litigate but simply to understand what their government is doing. These are the people IPRA was written for, and any reform that raises costs or delays access falls hardest on them.

The fact that IPRA is sometimes used frequently — or that agencies find volume taxing — does not render the law defective. It reflects how much New Mexicans rely on it. Framing high usage as "abuse" inverts the purpose of the statute.

Specific Proposals the Task Force Should Reject

Any proposal to:

extend the 15-day response deadline without meaningful accountability mechanisms;

expand the categories of exempt records beyond those already recognized by statute and case law;

impose fees for requests that exceed a threshold of agency time or effort;

restrict standing to file enforcement actions; or

create a tiered system that treats government entities' compliance burden as equivalent to requestors' access rights

would be a substantive weakening of one of New Mexico's most important transparency laws and should be rejected.

IPRA works. Its teeth — the short deadline, the private right of action, the fee-shifting — are what make it work. The Task Force's mandate is to study implementation and effectiveness, not to relieve government of its obligations. I urge the Task Force to focus its recommendations on resourcing compliance, improving agency record-management practices, and clarifying ambiguities in the statute — not on reducing the rights of the public it was enacted to serve.

Comment-061 *Email · Jun 3, 2026, 8:28 AM*

Leora Hutchins — Ninth Judicial District Court
Judicial Body

Good morning-

Attached are the CY2024, CY2025, and CY2026 (thus far) IPRA spreadsheets. The number of IPRAs did not transfer when downloaded, so they are as follows:

CY2024: 574
CY2025: 1030
CY2026 (thus far): 520

Please let me know if I can help in any other way.

Thank you,
Leah Hutchins

Attachments (3):
IPRA 2024.xlsx - 2024.pdf
IPRA 2025.xlsx - 2025.pdf
IPRA 2026.xlsx - 2026.pdf

Comment-062 *Submission Portal · Jun 5, 2026, 4:16 PM*

William Hawkins — Superintendent, Silver Consolidated Schools
Education

Dear Members of the IPRA Task Force,

My name is William D. Hawkins, and I serve as Superintendent and Custodian of Records for Silver Consolidated Schools in Silver City, New Mexico. I understand the Task Force will be meeting in Silver City on June 24, and I wanted to express my interest in participating in the upcoming discussion and future meetings offering my perspective as a potential resource to the committee.

As Superintendent and Custodian of Records, I am directly responsible for overseeing the district's response to Inspection of Public Records Act requests and ensuring compliance with New Mexico law. In that role, I routinely work through requests involving public finance, procurement, personnel matters, contracts, board governance, student records, and other sensitive areas where transparency and confidentiality must be carefully balanced. This firsthand experience has given me a practical understanding of both the value of public access to information and the challenges public agencies face in meeting those obligations effectively.

In addition to my responsibilities with Silver Consolidated Schools, I currently serve on the Board of Directors for the New Mexico Public Schools Insurance Authority (NMPSIA), the Gila Regional Medical Center Board, the New Mexico Cooperative Educational Services (CES) Executive Board, and the New Mexico Activities Association (NMAA) Board of Directors. These roles provide me with opportunities to engage in governance and public policy discussions that affect school districts, healthcare organizations, and educational agencies across New Mexico.

Through these experiences, I have observed how IPRA impacts organizations of varying sizes and capacities, particularly in rural communities where staffing and administrative resources are often limited. While transparency remains essential to maintaining public trust, it is equally important that public entities have

practical & workable processes that allow them to fulfill their responsibilities to the public while continuing to provide services effectively.

I believe the perspective of a rural superintendent, custodian of records, and board member serving multiple public organizations may be helpful as the Task Force considers recommendations related to IPRA. I would welcome the opportunity to share practical experiences, discuss challenges and best practices, and contribute in any way that may assist the committee's work.

If there is an opportunity to participate, provide testimony, or otherwise contribute to the Task Force's efforts, I would be honored to do so.

Respectfully,

William D. Hawkins
Superintendent & Custodian of Records
Silver Consolidated Schools
Silver City, New Mexico

Comment-063 *Submission Portal · Jun 7, 2026, 10:01 AM*

Douglas Michel
General Public
ProactiveTransparency RecSys-Storage RecSys-Requests Staffing-Budget
Staffing-ProfessionalStandards DataCollection Enforcement-LackOf Resource-Ombudsman

I submit these comments as a private citizen, a foster parent, and the 2021 recipient of the New Mexico Foundation for Open Government's Dixon First Amendment Freedom Award. I have filed hundreds of IPRA requests across state and local agencies, pursued litigation to enforce compliance, and published proposals for IPRA reform. I bring sustained, multi-agency experience from the requester's side of the counter.

My central proposition: New Mexico can simultaneously reduce agency burden and strengthen transparency through mandatory proactive publication, meaningful enforcement mechanisms, and modernized records management. These goals are not in conflict. Properly implemented, they reinforce one another.

The debate framing IPRA reform primarily as a response to data broker volume is incomplete. It risks obscuring a more urgent problem: systematic agency non-compliance with existing law. That non-compliance harms everyday New Mexicans, undermines democratic accountability, and costs taxpayers money in litigation and settlement payouts. The solution is not to restrict access. The solution is to modernize delivery, mandate proactive publication, and enforce compliance with real consequences.

The task force's composition warrants attention. Its eight members are drawn entirely from institutional representatives. No seat was reserved for an ordinary New Mexican who uses IPRA not as a professional tool but as a citizen seeking to understand how government decisions affect their life. As journalist Heath Haussamen observed when the task force composition was announced, IPRA's own text declares it exists to serve "all persons" entitled to "the greatest possible information regarding the affairs of government." A task force reforming that law with no seat for those everyday persons has a structural blind spot from the start. I urge the task force to weight citizen testimony heavily and ensure its final report explicitly addresses the experiences of individual requesters.

A comprehensive written submission with documented case studies, discussio of the New Mexico Supreme Court's May 2026 opinion in Albuquerque Journal v. APS, and detailed supporting argument is available

upon request.

My recommendations:

1. Require proactive publication of high-demand records, all requests and correspondence, and responsive materials in redacted form.
2. Clarify the narrow carve-out for records accessible only to the subject of the record or their legal representative.
3. Cap total §14-2-10 extension durations and require meaningful, substantive progress updates in extension notices.
4. Require mandatory initial and periodic custodian training statewide, including clarification practices and public-service orientation.
5. Require agencies to document and publicly publish their IPRA handling procedures, as well as all internal policies, guidance documents, and program rules governing decisions that affect the public.
6. Require quarterly publication of agency organizational charts, including names, titles, email addresses, and phone numbers of personnel down to the level at which the public interacts with the agency. Current law permits but does not require this. This recommendation closes that gap.
7. Establish a comprehensive statewide IPRA metrics and annual reporting framework.
8. Strengthen the Attorney General's administrative enforcement mechanism to issue truly binding determinations, with mandatory compliance deadlines and automatic financial consequences for noncompliance, so that a finding of violation compels production without requiring the requester to pursue years of litigation to enforce it.
9. Study and adopt the Secretary of State's proactive publication model as a template for other high-demand agencies.
10. Invest in modernized records management infrastructure statewide, with phased implementation, state assistance for smaller agencies, and a centralized IPRA request portal for all state agencies.

Douglas Michel

Comment-064 *Email · Jun 8, 2026, 8:13 AM*

Douglas Michel
General Public

RecordAccess-Strengthen ProactiveTransparency RecSys-Requests Staffing-ProfessionalStandards DataCollection Enforcement-Mediation Enforcement-LackOf DelayedProduction Statute-Burdensome Statute-ExemptionConsistency

Dear Chair Méndez,

Please find attached my written submission to the IPRA Task Force for inclusion in the official public record. This is the comprehensive submission referenced in my comments submitted through the task force's online comment form. I am providing copies directly to other task force members and stakeholders as well.

I have been following the task force's proceedings closely, including the public meetings in Clovis, Roswell, and Carlsbad. The topic list developed at the Roswell meeting — particularly proactive transparency and administrative review mechanisms — maps directly onto the central arguments in my submission, and I hope it will be useful as the task force develops its work plan.

I am available to discuss any aspect of these comments and welcome the opportunity to contribute further.

Respectfully,

Douglas Michel
2021 Dixon First Amendment Freedom Award Recipient
Albuquerque, New Mexico
dmichel00@gmail.com | 505.796.2992

Attachments (1):
Michel_IPRA_TaskForce_Comments_26-06-07.docx

Comment-065 *Submission Portal · Jun 8, 2026, 4:16 PM*

Kenneth Dehoff
General Public

I call for the removal of Michael Eshleman from this task force. He is a central player in blatant disregard of the IPRA statutes in Sandoval County.

His role as lead attorney in the following lawsuit establishes bad faith dealings with the public and his inputs to weaken IPRA laws would be contrary to individuals' rights in New Mexico.

Details naming Michael Eshleman and his attorneys can be found at http://sandovalfraud.org which is the public repository for D-1329-CV-2026-00628.

I have also previously shared this case with the DOJ as NMDOJ-ECS-20260218-5e73

Comment-066 *Submission Portal · Jun 10, 2026, 10:20 AM*

Corinne Holt
Private Law Practice
RecordAccess-Strengthen RecordAccess-Accountability

Thank you for the opportunity to provide comments regarding the Inspection of Public Records Act (IPRA).

I am an attorney and owner of a local New Mexico personal injury law firm. In the course of representing injured individuals and families, we submit IPRA requests in nearly every case we handle. These requests are not made to harass public agencies or create unnecessary work. Rather, they are an essential tool that allows us to gather information necessary to evaluate claims, investigate incidents, determine responsibility, and seek fair compensation for people who have been harmed.

In many cases, the information obtained through IPRA is critical to our clients' ability to pursue justice. Public records often provide the factual foundation needed to understand what happened, identify responsible parties, verify government actions, and ensure that decisions affecting our clients are based on accurate information. Access to these records frequently helps us determine whether a claim should be pursued at all. In other cases, the records facilitate early resolution and pre-litigation settlement by providing all parties

with a clearer understanding of the facts. Ultimately, access to public records promotes accuracy, fairness, and efficiency in the judicial process.

My experience reflects a broader truth: public records are not merely administrative documents. They are a vital resource that serves individuals, businesses, journalists, researchers, and communities throughout New Mexico.

Accessibility to public records is important because it promotes:

Transparency. Public access allows citizens to understand government actions, decisions, budgets, and policies, reducing unnecessary secrecy and fostering public trust.

Accountability. Access to records helps expose misuse of authority, waste, corruption, or incompetence and enables meaningful oversight, audits, and legal review.

Informed civic participation. Voters, journalists, advocacy organizations, and community members rely on public records to evaluate public officials and participate meaningfully in democratic processes.

Protection of individual rights. Public records are often necessary for individuals seeking to protect legal rights, challenge government errors, pursue benefits, resolve property disputes, or obtain justice through the courts.

Better policymaking and research. Open access to government information supports independent research, policy analysis, and evidence-based decision-making.

Economic value. Businesses, nonprofits, and entrepreneurs regularly rely on public data to make informed decisions, provide services, and support economic development.

Public safety and emergency preparedness. Access to information regarding infrastructure, public health, and government operations contributes to more effective planning and emergency response.

Equity and inclusion. Meaningful access to information helps reduce barriers that disproportionately affect marginalized communities and promotes equal opportunity to participate in government processes.

While I understand that responding to records requests requires time and resources, the solution should be to improve records management, training, staffing, and administrative processes, not to restrict public access. The occasional existence of burdensome requests should not diminish the rights of all New Mexicans to obtain information about their government.

From my perspective as a practicing attorney, IPRA is not an obstacle to effective government. It is an indispensable tool that promotes accountability, protects individual rights, facilitates the fair administration of justice, and strengthens public confidence in government institutions.

I respectfully urge the Task Force to preserve the strong public access protections that currently exist under IPRA and to approach any proposed reforms with the understanding that transparency and accountability are essential to maintaining public trust in government.

Thank you for your consideration.

Comment-067

Submission Portal · Jun 11, 2026, 4:18 PM

Barry Green
Private Law Practice
Redaction-Errors Fees-ByType DelayedProduction

Committee Members: First, thank you for taking the time to serve on this very important committee. My comments are from the perspective of an attorney having been involved in civil litigation mostly in Santa Fe, but often throughout New Mexico, since 1983. Beginning in the 2000s, New Mexico's Information of Public Records Act (IPRA) has become increasingly essential to civil litigation for many reasons.

First and foremost, it allows me to identify responsible parties in litigation so that I do not include the wrong people/entities or miss people/entities that should have been included–both of which can be a tremendous waste of resources for our citizens and the judiciary.

Second, IPRA is the only way I can gather information from government on police investigations, corporate investigations by government agencies, and licensing information by government agencies–without filing a lawsuit. Gathering this information pre-suit allows a determination of who to sue and what types of claims can be brought–all critical steps in preventing resources waste.

My experience with IPRA requests over the last three (3) years has been very different from my earlier experiences. It seems as if the IPRA system is broken. It now seems to average six (6) months or more before I receive the information requested, and it seems like the requests are being ignored on particulars. The worst offenders are the Citys of Albuquerque and Santa Fe. They always need more time for video footage and photos. For example, I have a case where an inmate was seriously injured when a transport vehicle crashed. The inmate was not a driver and was not provided any information about the drivers or the exact location of the crash because he was never allowed out of the transport vehicle. The City of Albuquerque then demanded I provide the police case number and cross streets within 2 business days. I did not have that information. In addition, Bernalillo County produced copies of the inmate's medical records from the crash that were 100% redacted even though I uploaded a medical release with the IPRA request. Then they released the same file with the same file name (with the word redacted in the file name) and expected me to realize that 2 pages out of the 140 pages were no longer redacted. In both instances, it took multiple phone calls and emails to obtain the proper information.

I have been told repeatedly that staffing is the problem. It seems to me that your committee has recognized that "data mining" is also a big part of the problem. It seems unfair that New Mexico citizens should suffer so that corporations can use IPRA for profits. Perhaps some type of system that charges for high volume use could ease the backlog and help with hiring sufficient staff.

Thank you for the opportunity to comment. Barry Green

Comment-068

Email · Jun 15, 2026, 10:27 AM

Michael Schwarz
Private Law Practice
RecordAccess-Strengthen RecordAccess-Accountability

Good Morning,

Accessibility to public records is important because:

Transparency: It lets citizens see government actions, decisions, budgets, and policies, reducing secrecy.

Having public input provides for new perspectives or new approaches to address proposed governmental action

Accountability: Public access exposes misuse, corruption, or incompetence and enables oversight, audits, and legal challenges. It may actually prevent misuse and corruption since the veil of secrecy is removed.

Informed participation: Voters, journalists, and advocacy groups need records to evaluate officials and make informed civic choices. Sometimes public policy decisionmakers are acting on matters within their experiences or perspectives. Broadening the information base will lead to better governmental decisions.

Protection of rights: Individuals can obtain records needed to defend legal rights, property claims, benefits, or to challenge government errors. I use IPRA to determine whether I have a case. At times, the information I obtain indicates there is no case and so I do not pursue. Without IPRA, there is a probability that I would have to file a case to discover the facts which means I am wasting not only client money but also government money. Having IPRA also allows for the articulation in greater details the basis for the claim, which in turn, may facilitate an early resolution of the case, thus saving everyone time and money.

Better policymaking and research: Open data supports independent research, policy analysis, and evidence-based solutions.

Economic value: Businesses, nonprofits, and entrepreneurs use public data for planning, services, and innovation. Businesses and non profits depend on governmental data in making decisions.

Emergency response and public safety: Accessible records (e.g., infrastructure, health data) improve preparedness and response.

Equity and inclusion: Easy access reduces information barriers for marginalized groups and promotes equal opportunity.

If you have any questions about my thoughts, please feel free to reach out.

Michael Schwarz
Attorney & Counsellor at Law
P O Box 1656
Santa Fe, NM 87504-1656
(505) 988-2053
ms@nmbarrister.com

Comment-069 *Submission Portal · Jun 16, 2026, 10:16 AM*

Cheyenne Trujillo
Education
Staffing-Workload Staffing-Budget

Hello. I have worked for two years on IPRA request for various school districts in the State of New Mexico. I would like to call attention to the money and lack of support school districts have with IPRA request and how much money goes to law firms for responses to IPRA which could be used for school districts curriculum, staff and student support.

Comment-070

Email · Jun 16, 2026, 1:54 PM

Lorraine Mendiola
General Public

Custodian,

Yes, I understand the verbage that was decided upon and used; however, in order for transparency to be accomplished, the public must be recognized as a part of this Task Force.

I wonder what The NM Foundation for Open Government would say about this oversight? I think I will ask them.

Thank you.
Lorraine Mendiola

Comment-071

Email · Jun 18, 2026, 8:19 AM

Katelynn Bayley — Village of Bosque Farms
General Government
Staffing-Workload Requestor-Vexatious

We have a requester constantly re-requesting records that don't exist and we have told him they don't exist. We also get anywhere from 1-7 emails from him a day, he is constantly emailing, using up a large amount of resources, and making a hostile work environment for several of the village employees, and we have no recourse.
I'm sorry if this isn't the right place for this, but I couldn't find any other kind of submission box.

Comment-072

Submission Portal · Jun 18, 2026, 10:21 AM

Anonymous
General Government
Staffing-Workload Staffing-Burnout Redaction-Standards Sensitive-Infrastructure
Enforcement-NoticeCure Statute-ExemptionConsistency

Thank you for the opportunity to provide input on IPRA and its implementation and effectiveness. I am an attorney who works for a small state entity and previously, I worked for a local government. Some of this work has involved responding to IPRA requests, but that is not my primary job duty.

First, I thought I would share what the day-to-day experience of reviewing records for IPRA requests. In short, it is a combination of being highly stressful and very boring. In both places I have worked, the Records Custodian will generally gather the records that may be responsive, and then an attorney will either review all or some of those records to determine what is responsive and what may be withheld. The work can be somewhat mind-numbing because large quantities of responsive records are often run-of-the-mill and highly duplicative correspondence and reports. However, the work is also very stressful for two opposite reasons. On the one hand, inadvertently producing sensitive information that could be withheld under IPRA could cause harm to the agency or members of the public. On the other hand, staff are constantly worried that we are missing records that we are unaware of or that we accidentally withhold information that should have been disclosed. While somewhat overdramatic, reviewing records for IPRA requests is somewhat like watching a thriller or suspense movie—generally, things go relatively well, but you're constantly on edge

because the stakes of an error are high. Of course, this is the job of government staff and the duty to ensure a transparent government, but it is not surprising to me that there is high turnover in many records offices.

I fundamentally believe that public work should be transparent and accessible to the public. However, I would encourage you to consider the following issues that I have noticed in a personal and professional capacity related to IPRA implementation and effectiveness:

- No opportunity to cure. Public bodies have no opportunity to possibly correct errors in the records they produce or do not produce before they are subject to suit. Public bodies have thousands of records in many different forms that are scattered throughout multiple locations. Additionally, staffing shortages over the past 25 years have led to a lack of organization and indexing of records. While we endeavor to produce all responsive records, I often fear that we inadvertently fail to produce records even when we make best efforts to do so. Having a chance to correct before being subject to suit would be highly beneficial and constructive for my agency.
- Concerns about detailed public utility information. I encourage the task force to consider the implications of the increased information related to individual utility usage. For example, I understand that water users can track their water use by the minute or hour in Santa Fe. It is highly beneficial for individual utility users to be able to closely measure their utility use. However, the ability to gather detailed, essentially real-time utility usage has public safety concerns. In short, someone could easily request utility use information for individual properties and easily determine when people are or are not at home on an almost minute-to-minute basis. In fact, a neighbor of mine recently requested this utility data for our neighborhood to try to determine which houses are and are not permanently occupied and used AI to create an interactive tool available to the public on a website.
- Infrastructure information with security implications. I encourage the task force to consider the implications public records requests may have on critical infrastructure, especially in the age of artificial intelligence. Information related to power, water, and transportation infrastructure should not be easily available to the public. For example, I am personally concerned with an IPRA request that seeks information related to wastewater treatment chemical compositions, bridge construction plans, and power transmission infrastructure. Generally, such information could not be withheld under an IPRA exception because that information does not qualify as a "tactical response plan or procedure."
- Personal information involving minors. I have been in the position of reviewing records involving minors. In one instance, police reports provided significant information about a minor's multiple suicide attempts which appeared ancillary to the records request. Under IPRA, much of this minor's personal information should not be withheld. But honestly, this information was so personal and so damaging that I decided to redact the information because I felt like this was the right thing to do and the redactions were relatively limited. I request that the Task Force visit this topic to ensure that IPRA reviewers have meaningful tools to protect sensitive information related to minors in similar circumstances.
- Personal identifying information generally. Records requests often produce responsive records where personal identifying information is included but is ancillary to the request or could easily be used to abuse a member of the public. For example, my public body runs a program that requires trusts to provide their trust documents—either the original document or a declaration—to the agency in order to participate in the program. Depending on the document, these documents can include information related to personal assets, trustee and beneficiary information, and other sensitive personal information. Much of this information would have to be produced under an IPRA.
- Consider other states. I hope that in considering the effectiveness of IPRA, the task force also considers the effectiveness of exceptions to protect sensitive information. I encourage the Task Force to look to other states' public records laws for guidance. I understand that other states allow government entities

to withhold more information than allowed under New Mexico's public records laws.

- Recent Supreme Court Cases. I am glad that our Supreme Court has recently provided guidance on IPRA in two cases. The Court recently clarified that records that contain excepted information should not be withheld, but rather the excepted information within the record should be redacted. In my opinion, this clarification will help government entities strike the appropriate balance between providing records and withholding sensitive or excepted information, even though I anticipate it will require significant additional staff time. I encourage the Task Force to consider how this clarification can be used to allow government entities to produce the maximum number of responsive records while also withholding, in good faith, sensitive information.

Thank you for your time and service on this IPRA task force. Transparency in government is critical. However, especially in this new information age, New Mexico's approach to public records require government entities to disclose information that have safety implications and could easily be abused.

Sincerely,

A Well Meaning Public Attorney

Comment-073 *Submission Portal · Jun 18, 2026, 2:27 PM*

Lauren Coupland
Education
Requestor-OutOfState Requestor-DataBroker Requestor-AI Enforcement-Damages Statute-Limitations

I am a school board member, and I have seen firsthand how broken our IPRA system is. It is not being used as intended, to create public transparency and accountability. It is being used to mine data from private citizens, and for giant paydays for minor mistakes. We need comprehensive reform, including broader personal information redaction. We need to crackdown on requests from bots and foreign actors. We need a ban on selling information obtained through IPRA. And we need common sense caps on damages. You should not be able to delay filing an IPRA complaint for missing or mis-redacted documents just to get a larger payout when damages are awarded per day. There needs to be a statute of limitations, and damages need to be assessed based on whether or not their was intent to hide or conceal information. Document custodians are human beings. Taxpayers should not be funding "gotcha" lawsuits based on honest human error. As a parent, I have filed IPRA requests myself. But the purpose should be to gather information. IPRA requests should not take the place of legal discovery, as datamining, or as a payday when human error inevitably occurs.

Comment-074 *Submission Portal · Jun 20, 2026, 10:34 AM*

Charles Goodmacher
General Public
RecordAccess-Strengthen Requestor-AI

Honorable Task Force Members:

IPRA should be strengthened if any changes are made to it. IPRA is a tool for the powerless to hold those in power in check - or more accurately - to hold the actions of those in power under the light of day to ensure nobody in power is abusing their power in any way.

I would support changes to disallow automated requests for documents when those automated information requests are without a doubt generated by a program or app, rather than coming from individuals or in-state entities, be it non-profits or for-profits too. Otherwise, do not in any way weaken the IRPA.

Thank you for your time and consideration. Respectfully Charles Goodmacher

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Comment-075 *Submission Portal · Jun 21, 2026, 9:40 PM*

Jason Sanchez
General Public
RecordAccess-Accountability Enforcement-NoticeCure

Members of the New Mexico Department of Justice IPRA Task Force,

My name is Jason R. Sanchez, and I introduced myself in previous IPRA TASK FORCE meetings. A recent IPRA request shows some or all of you received my supplemental email with the evidence attached, including the Mark Cage text message stating:

"You have a leak within NMC."

That statement matters. Public records are not a leak. Public records are accountability. New Mexico Counties was plugged into the IPRA Task Force process. Their executive director identified a county attorney as their primary representative. Records show former Eddy County Sheriff now Undersheriff Mark Cage texting the Executive Director that there was a "leak within NMC" concerning me and my litigation.

So how is the public supposed to trust IPRA reform when county-side insiders appear to be treating transparency like a threat?

I also want to address comments made about defendants or defense attorneys using IPRA during pending criminal cases.

A recent example raises serious concerns. In the State v Ivan Ramirez (M-17-FR-202600171) matter, court records show the aggravated stalking charge was nolle'd by prosecutor Fifth Judicial District Attorney Hunter Spindle.

Days later, Hunter Spindle spoke to this Task Force about someone allegedly using public records to stalk another person after he had dismissed the case. That needs explaining. This is not about defending anyone's alleged conduct. It is about whether public-records requesters are being made to look dangerous so government can justify weakening IPRA. Public records are not stalking. Accountability is not harassment. If public records expose missing evidence, different redactions, weak charges, disputed warrant claims, Brady/Giglio issues, or records that contradict the government's version, the answer is not to restrict IPRA. The answer is to fix the government's case.

I also oppose any proposal requiring requesters to give advance notice before filing an IPRA lawsuit. That is not transparency. That is telegraphing your next move. Case in point: Eddy County v. Sanchez. Eddy County delayed and delayed responses, then out of nowhere filed a lawsuit seeking declaratory judgment against me. So now the same public bodies that delay records want requesters to warn them before suing? Absolutely not. That would reward delay, gamesmanship, and government tactics against citizens.

IPRA is supposed to protect the public from government secrecy, not protect government from accountability.

If this Task Force is serious about transparency, reject reforms that punish requesters, protect weak prosecutions, or give agencies a litigation advantage.

They are not mad because IPRA is broken. They are mad because IPRA works.

Comment-076 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Jaye Arellano — Public Records Custodian, Otero County
General Government
Staffing-Workload DataCollection Redaction-TimeBurden Requestor-OutOfState Requestor-SocialMedia Requestor-Batch

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Comment-077 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Matthew Lundquist — Information Technology Systems Administrator, Otero County Sheriff's Office
Law Enforcement
RecSys-RedactionTech Staffing-Budget

Comment-078 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Rachel Hughs — City Clerk, City of Alamogordo
General Government
RecSys-Requests Staffing-Workload Redaction-TimeBurden Requestor-DataBroker

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Comment-079 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Chris Edwards — Journalist, Alamogordo Daily News
Media
RecordAccess-Strengthen ProactiveTransparency

Comment-080 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Matthew Lundquist — Information Technology Systems Administrator, Otero County Sheriff's Office
Law Enforcement
Staffing-Workload Requestor-SocialMedia

Comment-081 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Kim "Great White Owl" Murillo
General Public
RecordAccess-Strengthen RecordAccess-Accountability

Attachments (1):
Alamogordo Meeting_Kim Murillo.pdf

Comment-082 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Carolyn Thrasher
General Public
RecordAccess-Accountability Enforcement-LackOf

Comment-083 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Russell Davis
General Public
Requestor-OutOfState Requestor-DataBroker

Comment-084 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Lori Armstrong
General Public
RecordAccess-Strengthen

Comment-085 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Christine Barber — Executive Director, Foundation for Open Government
Advocacy Group

Comment-086 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Tamara Hansen — Records and Archives Clerk, City of Alamogordo
General Government
RecSys-RedactionTech Staffing-ProfessionalStandards

Comment-087 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

RB Nichols — County Attorney, Otero County
General Government
Redaction-Standards Sensitive-Infrastructure Statute-Burdensome

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Comment-088 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
Staffing-Workload Enforcement-Damages Statute-Burdensome

Comment-089 *Public Remarks - Alamogordo Meeting · Jun 22, 2026*

Margery Albillar
General Public

Comment-090

Public Remarks - Alamogordo Meeting · Jun 22, 2026

Jason Sanchez
General Public
RecordAccess-Strengthen RecordAccess-Accountability Requestor-OutOfState

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Comment-091

Email · Jun 22, 2026, 12:15 PM

Quay Dominguez — City of Carlsbad
General Government
Requestor-OutOfState Fees-ByType Enforcement-Damages Enforcement-NoticeCure DelayedProduction Statute-Burdensome Statute-Limitations

Members of the IPRA Task Force,

I attended a recent Task Force meeting in Carlsbad and provided public comment. I wanted to follow up by submitting a written version of my comments for your reference and consideration as discussions continue.

Please find my comments attached below. I hope they may be helpful for future discussions and review. Please let me know if there are any questions!

Thank you for your time and for your work on these matters.

Best,

–

Quay Dominguez
IPRA Compliance Manager
City of Carlsbad
(575) 887-1191 ext. 7953
Fax: (575) 887-0237
qadominguez@cityofcarlsbadnm.com

Attachments (1):
IPRA Public Comment.pdf

Comment-092

Email · Jun 22, 2026, 2:56 PM

Douglas Michel
General Public
RecordAccess-Strengthen ProactiveTransparency Requestor-DataBroker

Dear Chair Mendez,

Following up on my earlier submission, I wanted to share a brief framework document on proactive transparency ahead of the task force's discussion of that topic this week.

The document presents a four-tier framework that addresses the volume problem, the data broker concern, and the vexatious requester issue through proactive publication rather than access restriction. Tier 4 is intentionally more ambitious than the preceding tiers and is presented as a policy question for discussion rather than a firm recommendation. Tiers 1 through 3 stand independently.

I hope it is useful to the task force's deliberations.

Respectfully,

Douglas Michel
505.796.2992

Attachments (1):
Michel_Proactive_Transparency_Framework_June2026.docx

Comment-093 *Submission Portal · Jun 22, 2026, 4:00 PM*

Quitin McShan
General Public
ProactiveTransparency RecSys-RedactionTech Enforcement-LackOf DelayedProduction

I am a private investigator and have submitted IPRA requests in all 33 counties of New Mexico. I have found that responsive agencies are routinely responsive and make a reasonable effort to comply with the statute. This effort does not correlate to the size of the agency with some of the smallest and most understaffed being the quickest to respond releasing the fullest number of responsive documents. Some of the largest, best staffed agencies are most likely to delay and deny and intentionally fail to comply. This is not general but is agency specific. It is not the volume of requests that larger agencies deal with. Some large agencies are very responsive. Other larger agencies hide individual custodians of records in a cloak of anonymity of gate keepers, phone trees and unpublished contact information, and have little interface with the requestor. Some agencies have a culture of service. Others have a culture of denial and secrecy. I have never made a request to the City of Santa Fe or City of Albuquerque that was not deemed to be excessively broad pursuant to NMSA 1978, Section 14-2-10 regardless of how limited the scope of the request. There is a cottage industry of litigants who sue the New Mexico Department of Public Safety on the assumption that they will intentionally violate IPRA and settle the case before releasing responsive documents.

The public is the loser in a system that can, will and does release responsive documents to the media who will sue to enforce the statues and treats the individual citizen drastically different by giving bureaucratic reasons for delay and denial and just being ignored. I have found that agencies that I have sued are more responsive than those similarly situated that I have not litigated against. The average New Mexican does not know IPRA and cannot tell when the agency manipulates the law or out and out lies to them.

I understand it may be difficult for an agency to respond efficiently when dealing with a deluge of requests. But they cannot be given an out allowing them to lie and hide. Nor should we legislate restricting the public access to the inner workings of their government.

This issue is not going to get better on its own. The government monthly exponentially increases the amount of data it collects through, license plate readers, speed and traffic cameras, real time crime centers, body worn and vehicle cameras, drones, facial recognition, gunshot recorders, records management systems, artificial intelligence driven reports, and computer aided dispatch.

If we as a government are going to suck in and retain data, we cannot secretly conceal it.

I recommend that responsive documents reasonably expected to be requested, police reports, digital images, etcetera be prepared for release as part of digital storage. If a report is online there is no need to IPRA it.

Much of the time suck for agencies is the legal review. Though there may be an increase in staff it usually does not include lawyers where the process often grinds. These reviews and redaction processes can be

streamlined through the use of software and artificial intelligence.

Thank you

Comment-094 *Email · Jun 22, 2026, 6:11 PM*

Chris Edwards — Alamogordo Town News
Media

RecordAccess-Strengthen RecordAccess-Accountability Requestor-JournalistCriteria Enforcement-LackOf

Hello Members of the IPRA Task Force.

My name is Chris Edwards. I'm the publisher and editor of Alamogordo Town News and operator of 2nd Life Media and KALH Radio — an independent, locally owned media outlet serving Otero County.

IPRA is the lifeblood of independent journalism in New Mexico. Without the Inspection of Public Records Act, outlets like ours could not effectively expose how taxpayer money is spent, how decisions are made behind closed doors, or when public officials fail to follow the law. Legacy media often has resources we don't — IPRA levels the playing field so that small, independent voices can still hold power accountable.

Even with the current system, we have spent over $1,000 in IPRA fees — a large expense for a nonprofit media entity like ours. We've faced direct challenges, including from a past Tularosa school superintendent (a former police chief now gone from that village) after we exposed his lack of credentials — information only proven through IPRA requests. The local school board became upset when we ran a series of IPRA requests examining student performance results and questioned settlements exceeding a million dollars to remove certain administrators.

Recent events right here in Alamogordo and Otero County prove why strong IPRA protections are essential. Through IPRA requests and court filings, we have documented patterns of resistance to transparency in cases like Melton v. Block and the Concerned Citizens of Alamogordo lawsuit, which revealed issues with closed sessions, vote reversals, and large public expenditures.

These are not abstract disputes. Courts across New Mexico have repeatedly ruled in favor of broader disclosure. The law is working when enforced.

As the task force considers reforms, I urge you to reject changes that add new fees, expand exemptions, or create barriers for frequent requesters. Those would disproportionately harm independent media and everyday citizens. Strengthen enforcement, keep exemptions narrow, and support agencies without shutting out the public.

Independent journalism and citizen oversight depend on it. Thank you for your time and for these meetings. I'm happy to answer questions.

Thanks
Chris Edwards
Alamogordo Town News
1209 New York Ave
Alamogordo, New Mexico 88310
Cedwards121788@icloud.com
575-520-2785

Comment-095 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Israel Chávez
Private Law Practice
RecordAccess-Strengthen RecordAccess-Accountability

Comment-096 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Charles Turner — Government Affairs Coordinator, Deming Public Schools
Education
Staffing-Budget Requestor-Impede Requestor-DataBroker Requestor-Batch Statute-Limitations

Attachments (1):
Las Cruces Meeting_Deming Public Schools.pdf

Comment-097 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Marisa Ong — Senior Counsel, Singleton Schreiber
Private Law Practice
RecordAccess-Strengthen RecordAccess-Accountability

Comment-098 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

John Muñoz — Mayor Pro Tem, City of Las Cruces
General Government

Comment-099 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Christine Rivera — City Clerk, City of Las Cruces
General Government
RecSys-Requests Sensitive-Juvenile Requestor-SocialMedia Statute-ExemptionConsistency Statute-ChildrensCode

Comment-100 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Brad Douglas — City Attorney, City of Las Cruces
General Government
Sensitive-Juvenile Sensitive-Victims Statute-ExemptionConsistency Statute-ChildrensCode

Comment-101 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Kristin Holguin — Records and IPRA Analyst, Mesilla Valley Regional Dispatch Authority
General Government
Staffing-Workload Sensitive-Juvenile Sensitive-Victims Requestor-SocialMedia

Statute-Burdensome

Comment-102 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Jess Onsurez — Journalist, Las Cruces Sun-News
Media
ProactiveTransparency RecSys-Digitization Redaction-Standards Statute-Burdensome

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Comment-103 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Joel Martinez — Private Legal Assistant
Private Law Practice
RecordAccess-Strengthen

Comment-104 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Roxanne Garcia-Mcelmell — Sixth Judicial District Attorney's Office
Judicial Body
Redaction-Standards Sensitive-Juvenile Statute-ChildrensCode

Comment-105 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

April Deale-Thomas — Records Coordinator, Doña Ana County
General Government
Staffing-Workload Staffing-Burnout Staffing-Budget Requestor-Batch

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Comment-106 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Bob Wofford — Las Cruces Public School Board
Education
RecordAccess-Strengthen Requestor-Vexatious Requestor-Impede

Comment-107 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Unidentified
General Public
RecordAccess-Strengthen Requestor-Vexatious Requestor-Impede Statute-Burdensome

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Comment-108 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Chris Benoit — Benoit Legal, PLLC
Private Law Practice
RecordAccess-Strengthen Redaction-Standards Redaction-Violence Fees-Recoupment

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Comment-109 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Lisa Henderson — General Counsel, New Mexico State University
Education
Enforcement-Damages

Comment-110 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Diana Alba-Soula — Project Manager, Southern New Mexico Journalism Collaborative
Media
RecordAccess-Strengthen RecordAccess-Accountability

Comment-111 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Daisy Maldonado
General Public
RecordAccess-Strengthen ProactiveTransparency Redaction-Standards Fees-Recoupment Enforcement-LackOf Statute-NoRecords

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Comment-112 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Unidentified
General Public
RecordAccess-Strengthen RecordAccess-Accountability

Comment-113 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
Staffing-ProfessionalStandards Requestor-Vexatious Requestor-DiscoveryBypass Requestor-Batch Statute-Burdensome

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Comment-114 *Public Remarks - Las Cruces Meeting · Jun 23, 2026*

Jason Sanchez
General Public
RecordAccess-Strengthen DataCollection

Comment-115 *Written Comment - Las Cruces Meeting · Jun 23, 2026*

Margery Albillar
General Public
EntityCoverage Staffing-ProfessionalStandards Enforcement-LackOf

My name is Margery Albillar, and I have spent the last six years submitting Inspection of Public Records Act requests across multiple agencies in New Mexico — counties, the Attorney General's Office, the Disciplinary Board, and others.

What I've found is not just delay or inconvenience. It is a systemic failure of transparency that directly impacts property rights and due process.

My requests have focused on foreclosure sales, particularly the role of special masters. In

case after case, there is a lack of documentation showing what authority they exercised, what procedures they followed, or even basic records that would allow a court to meaningfully oversee the sale. When that documentation doesn't exist—or is not produced—it means there is no real oversight.

That problem doesn't stop there. County clerks are then recording documents from these processes that are not legally sufficient. These recorded documents are treated as valid, even when they lack proper foundation or raise serious questions under notarial law. Those same documents are then used to justify removing homeowners from their property.

At the end of that chain is the sheriff, enforcing writs of assistance and physically removing people from their homes—based on records that may never have been properly created, reviewed, or validated. From my perspective, the system is operating on paperwork that no one is truly accountable for.

IPRA was supposed to be the tool to uncover and correct these issues. But in practice, I've encountered repeated barriers:

Agencies failing to identify or properly train records custodians

Custodians who are assigned IPRA as a secondary duty without the resources to comply

Public bodies that do not even list their custodians or provide clear points of contact

Verbal communications and off-system responses that avoid creating a record

And a complete lack of enforcement, including from the Attorney General's Office, even when violations are reported

The judiciary, in particular, has been one of the worst offenders in my experience when it comes to transparency and accountability.

So when I hear proposals to limit requestors or add procedural barriers, I have to be clear: that does not solve the problem. The problem is not the public asking for records. The problem is that the records either do not exist, are not properly maintained, or are not being disclosed as required by law.

If this task force is serious about improving IPRA, the focus should be on:

Requiring proper designation and training of records custodians

Mandating transparency in how records are searched and produced

Ensuring that all entities performing public functions are subject to the Act

Investing in staffing and systems so agencies can actually comply

And strengthening enforcement when they do not

Transparency is not optional. It is the only way to ensure that the exercise of government power—especially when it results in someone losing their home—is lawful and accountable.

Thank you.

Comment-116 *Submission Portal · Jun 23, 2026, 10:33 AM*

Anonymous
General Government
RecSys-Requests

I would like to suggest revising the current requirement that mandates forwarding requests to another agency when it is known to be theirs. This process has become burdensome and repetitive. Instead, could this provision be updated so that we are allowed to notify the customer of the correct agency without being required to forward the request ourselves?

Additionally, when a request is forwarded to our agency by another office, we are currently required to enter the request on the customer's behalf. This also adds unnecessary workload.

Comment-117 *Submission Portal · Jun 23, 2026, 10:56 AM*

Marcelina Martinez
General Public
EntityCoverage

Members of the IPRA Task Force,

My name is Marcelina Martinez. I am writing about a serious gap in transparency that greatly affects thousands of New Mexicans: court-appointed special masters who conduct foreclosure sales are claiming they are not subject to IPRA.

In my case, special master David Washburn executed a deed in March of 2021 after filing a report that contained no attachments or evidence of any actual sale. I submitted IPRA requests to him and to the First Judicial District Court in May of 2021 in order to properly vet the sale. I was aware that he had previously responded to two separate IPRA requests in November and December of 2020 providing some documents. In response to my request, however, through a foreclosure attorney, he claimed he is privately employed and his records are merely "business records" exempt from IPRA. As a result, I had no way to properly challenge the sale and protect my property.

I immediately filed an IPRA lawsuit, which was ultimately designated to Judge Beatrice Brickhouse of the Second Judicial District, however, the court agreed he was not subject to IPRA. I was forced to file additional lawsuits simply to obtain basic information through discovery. Even then, the only "evidence" produced was an email thread and a bid worksheet. There was no proof of an actual bidding process, payment of consideration, debt satisfaction, or any authority for the servicer to act. Washburn stated he relied only on an email and all documents were drafted by the plaintiff's attorney.

This directly contradicts the New Mexico Court of Appeals' description of special masters as "an arm of the

court" in its memorandum opinion in Bank of New York Mellon v. Gina Schmidt, A-1-CA-36738. It also conflicts with Armstrong v. Csurilla, 1991-NMSC-081, which recognizes that foreclosure sales are supposed to occur under meaningful court supervision - not in secret.

Because special masters are appointed by the court under Rule 1-053 NMRA to perform a judicial function, their records relating to foreclosure sales are public business. Yet in practice, evidence is never attached to their reports, courts rarely require it, and IPRA is blocked. The result is chaos: I can validate that this has resulted in serious violations of broker laws; realtors with no authority or revoked licenses attempting lockouts, a property manager sending a convicted felon to secure a home, and servicers like SPS and Computershare shifting blame with no documented chain of authority. Sheriffs are left relying solely on unverified representations from whomever shows up claiming possession, creating a liability to the sheriff. The trickle effect of the special master not being subject to IPRA or to disclosure of the so-called evidence he relies upon to take people's property cannot be understated.

This lack of transparency does not protect due process - it undermines it. I respectfully ask the Task Force to recommend that the Legislature clarify or codify in the Inspection of Public Records Act that special masters appointed to conduct foreclosure sales perform a court function and that records relating to those duties are public records subject to inspection.

Thank you for your consideration.

Comment-118 *Submission Portal · Jun 23, 2026, 12:22 PM*

Tamara Hansen — City of Alamogordo
General Government
RecSys-Requests Staffing-ProfessionalStandards Resource-Ombudsman

I attended the meeting in Alamogordo on 6/22/2026 and found it very informative. It got me thinking about how to maximize resources and expedite the process.

If the training, security/background checks, equipment and software are all standardized across the state, then since these are public records would it be possible to divide the state into quarters (for example) and set up a dedicated IPRA hub in each? You could even designate one for media inquiries. That would eliminate overburdening current city and county employees. And you could assign an ombudsman, or whatever review authority the State choses, to each hub. It would work for online requests which might facilitate things overall but would need refinement for in person submissions.

You'd create jobs in the State which would be a positive result.

Comment-119 *Submission Portal · Jun 23, 2026, 3:05 PM*

Adrian Perez
General Public
RecordAccess-Strengthen RecordAccess-Accountability

The New Mexico Inspection of Public Records Act (IPRA) is one of the most important tools available to citizens for ensuring transparency, accountability, and public trust in government. IPRA recognizes that government records belong to the public and that citizens have a right to know how their tax dollars are being spent and how decisions affecting their communities are being made.

Cities, municipalities, and other public bodies are entrusted with managing public funds, providing essential services, and making decisions on behalf of their residents. Compliance with IPRA allows citizens to verify that these responsibilities are being carried out honestly, efficiently, and in accordance with the law. When records are produced promptly and completely, the public can evaluate government performance, monitor spending, and participate meaningfully in local government.

Transparency is essential to maintaining public confidence. When public agencies delay, withhold, or fail to produce records, it creates distrust and raises concerns about whether government actions are being conducted openly and ethically. Conversely, timely compliance with IPRA demonstrates a commitment to openness and reinforces the principle that public officials serve the people, not the other way around.

IPRA also serves as a critical accountability mechanism. Access to public records enables residents, journalists, watchdog groups, and elected officials to identify waste, inefficiency, conflicts of interest, abuse of authority, and other issues that may impact the public. The ability to inspect records helps ensure that taxpayer funds are spent responsibly and that government officials remain accountable for their actions and decisions.

The State of New Mexico should continue to support, strengthen, and enforce IPRA requirements while encouraging municipalities to develop effective records management practices and dedicate sufficient resources to responding to public records requests. Public agencies should view compliance not as a burden, but as a fundamental responsibility of public service.

A transparent government is a more accountable government. By upholding the principles of IPRA, New Mexico can continue to promote openness, protect the public's right to know, and strengthen the trust between citizens and their government.

Comment-120 *Email · Jun 23, 2026, 6:05 PM*

Jason Sanchez
General Public
DataCollection

Members of the New Mexico Department of Justice IPRA Task Force,

My name is Jason R. Sanchez, and I have introduced myself at previous IPRA Task Force meetings.

Please accept this email as supplemental public comment for the Task Force record.

I am submitting this comment regarding records recently produced by Eddy County in response to an IPRA request concerning statements and statistics presented to the Task Force on or about May 28, 2026.

Eddy County presented information regarding IPRA-related workload, out-of-state requesters, broad and burdensome requests, costs, staffing, and alleged misuse of public records requests.

One specific claim presented to the Task Force was that one requester allegedly submitted approximately 147 IPRA requests in two days involving approximately 156 hours of body-camera or lapel footage.

Because that claim is significant and may be considered by the Task Force in evaluating potential IPRA reforms, I submitted an IPRA request to Eddy County seeking the source records supporting it.

My request sought records including, but not limited to, request logs, dates received, request numbers, subject matter, calculations, spreadsheets, emails, notes, internal communications, and any records showing

how Eddy County calculated or supported the alleged 147 requests and 156 hours of footage.

Based on the records produced, Eddy County appears to have provided general IPRA burden materials, ex parte Task Force-related communications with Ethan Watson, graphics, and handouts. However, I did not locate clear source records substantiating the specific claim of 147 requests in two days or the calculation of 156 hours of body-camera or lapel footage.

That distinction is important.

If statistics presented to this Task Force are being used to support proposed changes to IPRA, those statistics should be supported by underlying records and documentation.

If the numbers are accurate, the supporting records should be identifiable.

If the calculation exists, it should be produced.

If request logs support the claim, those logs should be available.

If the claim was based on an estimate, summary, interpretation, or talking point rather than source records, the Task Force should know that before relying on it.

Public-records reform should be based on verifiable records, accurate data, and transparent methodology — not unsupported or unclear claims.

Respectfully, government agencies should not present alarming statistics about requesters and then be unable to clearly produce the records supporting those statistics when asked.

That is precisely why IPRA remains important.

IPRA allows citizens to test government claims against government records.

I respectfully request that this email and the related records be included in the Task Force record and considered when evaluating agency claims regarding IPRA burden, requester conduct, and proposed reforms.

Respectfully,
Jason R. Sanchez

Attachments (16):
RELEASE (1).pdf
RELEASE (2).pdf
RELEASE (3).pdf
RELEASE (4).pdf
RELEASE (5).pdf
RELEASE (6).pdf
RELEASE (7).pdf
RELEASE (8).pdf
RELEASE (9).pdf
RELEASE (10).pdf
RELEASE (11).pdf
RELEASE (12).pdf
RELEASE (13).pdf
RELEASE.pdf
Request 26-1268 - NextRequest - Modern FOIA & Public Records Request Software 2.pdf
Request 26-1268 - NextRequest - Modern FOIA & Public Records Request Software.pdf

Comment-121 *Submission Portal · Jun 23, 2026, 7:53 PM*

Heather — Doña Ana County
General Government
Sensitive-Victims

Good afternoon.

My name is Heather, and I work for Doña Ana County.

I would like to express a concern regarding the public release of victim and witness statements through IPRA, particularly in cases where charges are not filed.

I understand and support government transparency. However, I believe there must also be a balance between transparency and the privacy and safety of victims and witnesses.

When someone comes forward to report a crime or provide information, they are often doing so during one of the most difficult moments of their lives. If they know their statement could become public regardless of whether charges are filed, they may hesitate to report incidents or cooperate with investigations. Some may fear retaliation, harassment, embarrassment, or simply the loss of their privacy.

My concern is that this could have a chilling effect on victims and witnesses who are trying to do the right thing by coming forward and telling the truth. People should feel safe reporting crimes and assisting investigations without worrying that their personal statements may later become public records.

I encourage discussion about whether additional protections for victim and witness statements should be considered, especially in situations where charges are not filed. Transparency is important, but so is maintaining public trust and ensuring that victims and witnesses feel protected throughout the process.

Ontop of victim privacy there can be serious concerns about the opportunities victims then have for their case to be refiled or reopened if defendants can obtain what should be protected information from IPRA requests.

I think it's important that we find a way to strike a balance between transparency and protecting victims and witnesses.

Thank you for your time and consideration.

Comment-122 *Submission Portal · Jun 23, 2026, 7:53 PM*

Anonymous
General Public

I watched a city councilor delete text messages from the city clerk at the IPRA task force meeting.

Any amendment to the statute should consider that the city of Las Cruces has repeatedly violated open meeting statutes, and public records statutes, not to mention the budgetary problems with both the city and County. The County is had a deputy Who's tried to destroy video. Evidence of his own sexual assault upon an arrestee.

The city of Las Cruces and the County of Doña Ana should not be treated as if they have clean hands in this. All of these facts can be independently to verified through the press who got the information through the

public record statute.

Comment-123 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Wanda Snyder — Records Clerk, Silver City Police Department
General Government
RecSys-RedactionTech Staffing-Workload Requestor-SocialMedia

Comment-124 *Public Remarks - Silver City Meeting · Jun 24, 2026*

William Hawkins — Superintendent, Silver Consolidated Schools
Education
Requestor-Vexatious Requestor-DataBroker Requestor-Batch

Comment-125 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Brian — Grant County
General Government
Requestor-AI

Comment-126 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Sam — Evidence Tech and Records Custodian, Grant County Sheriff's Office
Law Enforcement
RecSys-RedactionTech Redaction-TimeBurden Requestor-Batch

Comment-127 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Nick Prince — Councilor District 2, Town of Silver City
General Government
Reprisals

Comment-128 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Nick Seibel — Editor, Silver City Daily Press
Media
RecordAccess-Strengthen RecordAccess-Accountability Requestor-JournalistCriteria
Enforcement-LackOf

Comment-129 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Chris Maples — Interim President, Western New Mexico University
Education
Staffing-Budget Requestor-Batch Fees-Recoupment

Comment-130 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Kendra Milligan — Journalist
Media
Reprisals | Enforcement-LackOf | DelayedProduction

Comment-131 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Mary Rae McDonald — Records Compliance Specialist, Western New Mexico University
Education
RecSys-RedactionTech | Staffing-Budget | Requestor-AI | Fees-Recoupment

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Comment-132 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Gabriel Ramos — State Senator, District 28
General Government
Staffing-Budget

Comment-133 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Charlene Webb — County Manager, Grant County
General Government
RecSys-Requests | RecSys-RedactionTech | Staffing-Workload | Requestor-AI

Comment-134 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Jason Sanchez
General Public
RecordAccess-Strengthen | RecordAccess-Accountability | Requestor-OutOfState

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Comment-135 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
Staffing-ProfessionalStandards | Sensitive-Infrastructure | Requestor-Vexatious
Requestor-DiscoveryBypass | Statute-Burdensome

Comment-136 *Public Remarks - Silver City Meeting · Jun 24, 2026*

William Hawkins — Superintendent, Silver Consolidated Schools
Education

Comment-137 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Nick Seibel — Editor, Silver City Daily Press
Media
RecordAccess-Strengthen RecordAccess-Accountability Fees-Recoupment

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Comment-138 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Patrick Cohn — County Treasurer, Grant County
General Government
Sensitive-Infrastructure Requestor-OutOfState

Comment-139 *Public Remarks - Silver City Meeting · Jun 24, 2026*

Luis Terrazas — State Representative, District 39
General Government
Sensitive-Infrastructure

Comment-140 *Written Comment - Silver City Meeting · Jun 24, 2026*

Margery Albillar
General Public
EntityCoverage Enforcement-LackOf Statute-NoRecords

Good evening. My name is Margery Albillar, and I am an IPRA requester.

I want to address an issue that arose in my own IPRA litigation involving the Disciplinary Board of the Supreme Court of New Mexico, because I believe it raises broader questions this Task Force should consider.

When public records were first sought from the Disciplinary Board, the position taken was that the Board had a records custodian. After litigation began, the initial responses again recognized Anne Taylor as the records custodian. However, after my complaint was amended, the position changed. The defense then argued that the Disciplinary Board was not subject to IPRA because it was allegedly not a public body and did not receive "taxpayer funding", a twist from the text in the act which states "public funding."

This raises an important policy question: should IPRA obligations depend only on the source of funding, or should they also depend on whether an entity was created by government authority and performs governmental functions?

The Disciplinary Board exists because the Supreme Court of New Mexico created it through court rules. Rule 17-304 NMRA describes official functions of the Board, including disciplinary proceedings conducted by Board members, hearing committees, disciplinary counsel, and staff acting in official capacities. The rule recognizes that proceedings may become matters of public record and provides protections for those carrying out official duties.

Those are not characteristics of a private organization. They are characteristics of an entity exercising authority delegated by a branch of government.

I also want to address the argument that the nine-factor test developed in Toomey case law should control this issue. That test was developed primarily for situations involving private entities and whether records held by those entities were being maintained on behalf of a public body.

The Disciplinary Board presents a different question. It is not a private entity performing a service for government. It was created by the Supreme Court and exercises delegated governmental authority. The question should not begin with whether the Board passes a funding analysis. The question should begin with whether government created the entity and whether it performs governmental functions.

Otherwise, a government-created entity could avoid IPRA obligations simply by structuring its funding differently while continuing to exercise governmental power and maintain official records.

I also believe the Task Force should consider the practical impact on individual requesters. In my case, I was a pro se litigant attempting to enforce access rights under IPRA. I was required to litigate against an entity connected to the judicial branch while the defense was supported through state-paid legal resources.

The issue was not simply whether a particular court document should be released. The issue was whether basic IPRA obligations existed at all, including identifying a records custodian.

When positions change during litigation, the burden falls heavily on individual requesters who often do not have comparable resources. This creates an imbalance between a citizen attempting to enforce a transparency law and a government entity defending against compliance.

I also want to raise a separate but related concern involving IPRA enforcement. The Disciplinary Board's website did not identify an IPRA records custodian as required by law. reported that issue to the New Mexico Department of Justice, which confirmed prior that Anne Taylor was the acting records custodian.

I was informed that the Department of Justice had a policy not to investigate or mediate certain IPRA compliance matters when issues were pending or had been adjudicated. I requested the policy, legal guidance, and records supporting that position.

The response closed the request but did not clearly identify which requested categories were produced, withheld, or had no responsive records. The Task Force should consider whether agencies responsible for IPRA compliance should be required to clearly explain:

Does a policy exist? Who approved it? What legal authority supports it? And when records are withheld, what specific records were withheld and why?

IPRA is not only about access to individual records. It is about accountability in the systems created to ensure transparency.

Thank you.

Comment-141 *Written Comment - Silver City Meeting · Jun 24, 2026*

Margery Albillar
General Public

Historically, my written submissions here have been read aloud so that all attendees could hear them. Tonight and last night, however, under the explanation of time constraints, the committee chose not to read our written comments, stating instead that they would simply be passed along privately to the task force members. Directly after making this decision, the committee allowed two other individuals to make verbal comments.

While I understand and respect the need to manage time efficiently during a statewide listening tour, the decision to bypass written Q&A submissions while continuing to allow verbal comments creates an unequal tier of public participation. More importantly, it undermines the very core of New Mexico's transparency

laws.

An open meeting is not just about the task force hearing the public; it is about the public hearing each other. When a comment is sent privately to the committee or suppressed from the general broadcast, the community is deprived of hearing peer feedback, discovering shared concerns, and building a collective public record. It shifts the dynamic from an open community forum to a closed-door exchange.

As an IPRA Task Force convened by the New Mexico Department of Justice to protect and improve our public records and transparency laws, this body must set the gold standard for open government. Time management should never come at the expense of an inclusive public square.

I ask that moving forward, the Task Force establishes a consistent procedure ensuring that all submitted comments—whether delivered verbally or typed in the Teams Q&A—are shared openly with everyone present in real time. Thank you for your time and your commitment to keeping New Mexico transparent.

Comment-142 *Email · Jun 24, 2026, 9:26 AM*

David Black — Sheriff, Otero County Sheriff's Office
Law Enforcement
Staffing-Workload Staffing-Budget Sensitive-Victims

To the members of the IPRA Task Force,

This is Sheriff David Black with the Otero County Sheriff Office. I listened to the meeting on the 22nd in Alamogordo and wanted to give you some examples of the Burdensome IPRA requests we receive to show you what takes up so much time and what the requestors have resorted to hoping to get everything "created" for them. We do not create the documents to satisfy a request we just send what we have. We are currently at 441 IPRA requests for the 2025 year.

The first example (DOC035) is a homicide case out of Torrence County and the decedent was dumped in Otero County. We do have approximately 40 Body cam videos of the search, location and recovery of the body that had to be redacted, the reports by our investigators that had to be redacted, and redacted interview videos before being released. It took my IPRA person approximately 60 hours to complete this task while still answering additional IPRA requests.

I recall one of the persons in the crowd saying it is job creation, hire more people to do the job. There comes a time when the people are going to start to rebel with another unfunded mandate by the State of New Mexico. If the state is going to require this be done then they need to appropriate money to reimburse for the services. If these folks are good with the County having to support their requests then maybe we need to look at some tax increases within the county, see how they like additional taxes to pay for these services.

If you look at DOC035 you will see the extremes requestors are going through to get anything they possibly can. This was not even our case we were just assisting Torrence County Sheriff Office. I can only imagine the IPRA records Torrence County had to provide. And by the way this information was sent the PRE Media in Charlottesville VA.

The second request (DOC036) is an example of a request for information regarding the additional staffing, operation plans etc, during a hearing in reference to an OIS involving an Otero County Deputy. This request has been denied due to the fact that they asked for specific dates in 2024 and nothing was done to increase manning, OPS plans or anything else for the specific dates. I believe they are wanting the records for the same dates but they happened in 2025. If they make another request for these dates in 2025 they will also

be denied because we will not share our operations plans, tactical assignments, number of additional persons, locations and identity of additional personnel assigned to the Courthouse for additional security. I am certain that we will have challenges to our decision but it comes down to the point, they are crossing the line with these requests, they know they cant get this information but they feel they are entitled to the information.

I hope these examples are helpful in your information gathering and hope this helps with future decisions in the IPRA process.

David Black
Otero County Sheriff
3208 N. White Sands Blvd
Alamogordo, NM 88310
575-443-2935 Office
575-443-2936 Fax
dblack@co.otero.nm.us

Attachments (2):
DOC035.pdf
DOC036.pdf

Comment-143 *Submission Portal · Jun 24, 2026, 12:20 PM*

Marty Gutierrez
General Public
RecordAccess-Strengthen RecordAccess-Accountability

The New Mexico Inspection of Public Records Act (IPRA) is one of the most important tools available to citizens for ensuring transparency, accountability, and public trust in government. IPRA recognizes that government records belong to the public and that citizens have a right to know how their tax dollars are being spent and how decisions affecting their communities are being made.

Cities, municipalities, and other public bodies are entrusted with managing public funds, providing essential services, and making decisions on behalf of their residents. Compliance with IPRA allows citizens to verify that these responsibilities are being carried out honestly, efficiently, and in accordance with the law. When records are produced promptly and completely, the public can evaluate government performance, monitor spending, and participate meaningfully in local government.

Transparency is essential to maintaining public confidence. When public agencies delay, withhold, or fail to produce records, it creates distrust and raises concerns about whether government actions are being conducted openly and ethically. Conversely, timely compliance with IPRA demonstrates a commitment to openness and reinforces the principle that public officials serve the people, not the other way around.

IPRA also serves as a critical accountability mechanism. Access to public records enables residents, journalists, watchdog groups, and elected officials to identify waste, inefficiency, conflicts of interest, abuse of authority, and other issues that may impact the public. The ability to inspect records helps ensure that taxpayer funds are spent responsibly and that government officials remain accountable for their actions and decisions.

The State of New Mexico should continue to support, strengthen, and enforce IPRA requirements while encouraging municipalities to develop effective records management practices and dedicate sufficient re-

sources to responding to public records requests. Public agencies should view compliance not as a burden, but as a fundamental responsibility of public service.

A transparent government is a more accountable government. By upholding the principles of IPRA, New Mexico can continue to promote openness, protect the public's right to know, and strengthen the trust between citizens and their government.

Comment-144 *Submission Portal · Jun 24, 2026, 4:53 PM*

Ernesto Salazar
General Public
RecordAccess-Strengthen RecordAccess-Accountability

IPRA requests are important because they promote transparency, accountability, and public trust in government. They give residents access to public information, helping our community stay informed, ask questions, and better understand how decisions are made. An informed community is a stronger community, and access to public records helps ensure our government remains open and accountable to the people it serves.

Comment-145 *Submission Portal · Jun 25, 2026, 11:52 AM*

Betty Gonzalez
General Public
Enforcement-LackOf DelayedProduction

IPRA's serve as an important way for municipalities to be transparent. Many don't follow through in responding to IPRA'S. The state attorney general is contacted when after a long period of waiting the residents get no response. But the AG does not follow through on enforcement so cities make little or no effort to respond to IPRAS. IT IS UP TO THE STATE AG TO STOP ENFORCE IPRAS BY NOT ALLOWING ANY MONEY TO BE GUVEN TO THOSE CITIES. IT WONT TAKE LONG FOR FOR CITY'S TO GET THE MESSAGE.

Comment-146 *Email · Jun 28, 2026, 9:03 AM*

Jason Sanchez
General Public
Reprisals Enforcement-NoticeCure

Members of the IPRA Task Force,

My name is Jason R. Sanchez. I am submitting this supplemental information for the Task Force's consideration regarding any discussion of IPRA enforcement, requester obligations, advance notice before litigation, or public bodies seeking relief against requesters.

I believe my case, Eddy County v. Sanchez, is directly relevant to this Task Force's work.

Eddy County filed a lawsuit against me seeking declaratory judgment and a permanent injunction related to my IPRA requests and my publication of information obtained from public records. In that lawsuit, Eddy County asked the court to declare my IPRA requests excessively broad and burdensome and sought to restrict my ability to post or disseminate certain public-record information involving law enforcement officers.

That is extremely concerning.

IPRA was created so the public can inspect government records and hold public officials accountable. It should not become a tool for public bodies to sue requesters, intimidate citizens, delay production, or chill publication of records already released.

This is especially important if the Task Force is considering proposals requiring requesters to give advance notice before filing an IPRA lawsuit. That type of requirement would give agencies a tactical advantage and warn them before a requester can seek judicial enforcement.

My own case shows why that is dangerous. There is a final hearing schedule on July, 15/2026.

Eddy County delayed and delayed, then filed a lawsuit against me seeking declaratory relief and an injunction. If requesters are forced to give agencies advance warning before suing, public bodies could use that notice to file first, seek declaratory judgment, or try to control the venue and narrative before the requester can enforce their rights.

That would punish requesters and reward government delay.

The Task Force should reject any reform that allows public bodies to turn IPRA into a weapon against citizens. Requesters should not have to risk being sued by the government for asking for records, using records, or publishing records of public concern.

Public records belong to the public.

Public bodies should not be allowed to use lawsuits, injunctions, or procedural tactics to silence or intimidate requesters.

IPRA reform should protect transparency, protect requesters, and protect the public's right to hold government accountable.

Respectfully,

Jason R. Sanchez

Attachments (2):
2025-07-02 Respondent MTD Complaint FINAL w Pet MTD Fed Ct(3)(1).pdf
D-503-CV-2025-292 NTC July.pdf

Comment-147 *Submission Portal · Jun 29, 2026, 5:58 PM*

Vickie Marquardt — Otero County
General Government
Requestor-OutOfState Requestor-DataBroker Fees-ByType Statute-Burdensome

IPRA requests should have a specific request and not be a blanket fishing expedition causing many hours of sending information without a known reason.

IPRA requests need to be for citizens of the United States. Outside citizens, governments and businesses should not be given the same attention as US citizens.

Businesses and people that are using the IPRA information for profit should be charged a special rate to offset the expenses.

Comment-148 *Submission Portal · Jul 1, 2026, 2:47 PM*

Maria Ceballos — Immigration Program Coordinator, Enlace Comunitario
Advocacy Group
RecordAccess-Strengthen

My name is Maria Ceballos and I serve as the Immigration Program Coordinator and a DOJ partially accredited representative at Enlace Comunitario, a nonprofit that serves survivors of domestic violence, primarily within immigrant communities in Central New Mexico. Our Immigration Legal Services program represents people pursuing immigration relief, including U visas, VAWA self-petitions, T visas, and other forms of humanitarian protection. I'm submitting this comment as part of the Task Force's study of IPRA's implementation and effectiveness.

For our organization and our clients, IPRA is a practical, often time-sensitive tool that can determine whether a survivor of domestic violence is able to access safety and immigration relief. I regularly submit and assist clients and case managers with IPRA requests to law enforcement agencies, the district attorney's office and other public bodies. The records we obtain this way, such as incident reports, 911 call logs, lapel videos, photographs, and related law enforcement and court documentation, are often the evidence a survivor needs to support a U visa certification, a VAWA self-petition, an order of protection, or a related family law matter. Without reliable access to these records, many of our clients would have no way to document the abuse or criminal conduct that their case depends on.

IPRA rests on the idea that representative government only works if the public can see what it's doing. We see that idea play out constantly in our community, parents reviewing school budgets, journalists holding public agencies to account, residents tracking how tax dollars are spent, and survivors obtaining the records that keep them safe. Narrowing access to lighten the load on records custodians wouldn't just affect our clients. It would weaken accountability for everyone who depends on it.

For that reason, I'm urging the Task Force to preserve and strengthen public access under IPRA, rather than recommend new fees, narrower categories of disclosable records, or additional procedural barriers to obtaining records. I know the Task Force has heard significant testimony about the burden that rising request volume places on records custodians, and I don't discount that concern. But reforms aimed at easing that burden shouldn't come at the expense of requesters, survivors and the organizations that serve them among them, who depend on timely, affordable access to pursue safety and legal protection.

The Task Force has to balance the legitimate operational concerns of records custodians against the public's right to access government records. We'd simply ask that, in striking that balance, you weigh what reduced access would actually mean for survivors of domestic violence and other vulnerable populations who turn to IPRA not out of curiosity, but out of necessity.

Thank you for the opportunity to submit this comment.

Comment-149 *Submission Portal · Jul 1, 2026, 8:31 PM*

Lorraine Mendiola
General Public

First of all, I would like to know why there are no members of the public on this Task Force?

In the article it states that this Task Force is directed to operate transparently under New Mexico's Open Meetings Act ensuring that the public has a meaningful voice in the process. So, the public is given the opportunity to express thoughts but not important enough to be an equal member of The Task Force.

I would definitely appreciate a response to my comments. Thanks.

Lorraine Mendiola

Comment-150 *Email · Jul 2, 2026, 10:47 AM*

Lorraine Mendiola
General Public

To Whom It May Concern:

I understand the language behind House Joint Memorial 2; however I'm questioning the transparency issue that should be considered. The public plays an important role and should have an equal "seat at the table."

Please provide me with the name, title, email address and phone number of a person associated with the IPRA Request Task Force for further discussion.

Thank you.

Lorraine Mendiola
505-699-3250

Comment-151 *Submission Portal · Jul 2, 2026, 1:15 PM*

M.J. Burns
Law Enforcement
Redaction-Standards Requestor-Impede Fees-Recoupment

I served as the Administrative Lieutenant & PIO for the Grant County Sheriff's Department from 2019-2022. I was also responsible for IPRA information requests beyond simple reports and blotters by involved parties. I can say with certainty that hundreds of hours and many thousands of taxpayer dollars were spent fulfilling very large detailed IPRA requests - the most glaring that comes to mind was from the ACLU-Albuquerque wanting ALL records relating to ANY use of force by GCSO in multiple prior years. Our Attorneys negotiated with them to allow for a protracted time period and ultimately the request was fulfilled. Why the ACLU was looking for the aggregate information as-opposed to specific incidents is fairly obvious - albeit unstated. Their requesting Attorney informed me all NM LE agencies received this "Blanket" IPRA request! Although agencies may seek some cost-recovery for actual paper or other conveyances, this in no way recompenses for the thousands of employee-hours spent along with those employees being redirected from more nominal duties, especially in smaller agencies. In addition, we routinely received requests from (state) incarcerated persons seeking extensive information with threats to sue if not fulfilled - regardless of the requestor's inability to pay allowed expenses for the information materials. The county also used retained Counsel in some of these matters - again at taxpayer expense - when deemed necessary. I will state that the media was NOT the most prevalent large-volume IPRA requestor. They generally were seeking information on specific incidents or other matters within the department and were relatively simple to fulfill. NM's IPRA Law does need revision with some "Guardrails" placed on IPRA requests and the ability of the agency to recover actual costs in cases of requestors who CAN pay them and in my opinion, any offshore requestor should be subject to some vetting/verification of actual need/purpose. More realistic time guidelines should also be established in fulfilling such information requests. Another consideration might be a better set of protections for sensitive information outside of the current exemptions allowable under the law. As is the case with the information itself, the identity of the requestor(s) should also be public record unless it endangers the person(s) or jeopardizes any pending criminal or civil litigation.

Comment-152 *Email · Jul 2, 2026, 1:42 PM*

Jason Sanchez
General Public
Reprisals

Members of the IPRA Task Force,

I am submitting this supplemental comment because my case shows why IPRA reform must clearly prohibit public bodies from bringing these types of suits against requesters.

In Eddy County v. Sanchez, Eddy County sued me over my IPRA requests and my publication of public-record information. After filing that lawsuit, Eddy County also filed a motion asking the court to hold me in contempt after I exposed and discussed matters involving that case publicly.

That is the danger. Eddy County is making history for all the wrong reasons.

A public body should not be allowed to sue an IPRA requester, then use the court process to punish, silence, or intimidate that requester for speaking publicly about the lawsuit, public records, or government conduct.

IPRA was created to protect public access to government records. It should not become a weapon for government agencies to place requesters on defense, seek injunctions, request contempt findings, or chill public criticism.

This is why any IPRA reform should include clear language stating that public bodies may not file declaratory judgment actions, injunction actions, contempt-based tactics, or similar lawsuits against requesters based on the act of requesting records, publishing records, or criticizing the public body using records obtained through IPRA.

If a public body denies records, IPRA already provides the process. The requester can challenge the denial. The government should not be allowed to flip IPRA around and sue the citizen first.

My case is the warning sign.

If this is not prohibited, public bodies can use lawsuits as a pressure tactic against citizens who expose them.

That would defeat the entire purpose of IPRA.

Public records belong to the public.

Government should not be allowed to sue requesters into silence.

Respectfully,

Jason R. Sanchez

Attachments (1):
D503CV202500292 101625(2).pdf

Comment-153 *Submission Portal · Jul 6, 2026, 10:46 AM*

Lori Armstrong
General Public
Staffing-Budget Resource-Ombudsman

I attended the meeting in Alamogordo. I would like to add the following: I understand that our local municipalities are feeling swamped by requests. THAT is a good thing. People around the world want to pay attention to what our government is doing. At NO TIME should the government discern which of these requests is more worthy than others. I don't care if some teenager in Vietnam wants to make a TikTok. The moment you give the government the ability to prioritize some requests and not others, you give it the power to limit the very free access that the Inspection of Public Records Act (IPRA) is intended to protect.

The Dept. of Justice currently has a branch to prosecute and a branch to protect defendants. It is fully possible for one government agency to serve the government and the people. While it may appear that it is a case of the fox guarding the henhouse, I believe a NM ombudsman would be capable of both serving the local governments and the people who make requests of them, otherwise the DOJ should be separated as well. An ombudsman office should have similar branches.

Lastly, since the Inspection of Public Records Act (IPRA) is state-mandated, the state should use some of the excess tax money it has collected from citizens (surplus) to fund an ombudsman program to help local governments cover increased costs and serve the public. Then stop collecting excess taxes.

Comment-154 *Submission Portal · Jul 9, 2026, 4:12 PM*

Maria Rincon — Case Manager, Enlace Comunitario
Advocacy Group
RecordAccess-Strengthen

July 09, 2026

Re: Public Comment on IPRA Implementation and Effectiveness

Dear Members of the Task Force,

My name is Maria Rincon, and I am a case manager and legal advocate at Enlace Comunitario, a nonprofit organization that provides services to Spanish-speaking survivors of domestic violence and their children.

As part of my work, I assist victims and survivors in obtaining police reports and other records through IPRA. These documents, including incident reports, 911 recordings, photographs, and body camera footage, are often critical in helping survivors pursue U visas, VAWA self-petitions, orders of protection, and other legal remedies.

For many survivors, access to these records is essential to documenting abuse and seeking safety. Because of this, I respectfully urge the Task Force to preserve and strengthen public access under IPRA and avoid creating additional fees or barriers that could limit access for vulnerable individuals and the organizations that support them.

Thank you for your time and consideration.

Sincerely,

/s/ MRincon

Maria Rincon
Case Manager and Legal Advocate

Comment-155 *Submission Portal · Jul 11, 2026, 3:17 PM*

Katy Stuckel
General Public
Enforcement-LackOf

IPRA isn't broken Compliance is.

Comment-156 *Submission Portal · Jul 12, 2026, 9:47 PM*

Rowan Stanland
General Public
RecordAccess-Strengthen RecordAccess-Accountability

I support maintaining strong IPRA requirements. IPRA is a fundamental part of democracy. We must maintain the opportunity to access records and hold government accountable. Thank you.

Comment-157 *Submission Portal · Jul 13, 2026, 10:26 AM*

Hunter Tucker
General Public
Requestor-OutOfState Enforcement-Mediation Enforcement-LackOf

A way to prioritize the local citizen over foreign requests, especially if it specifically involves the person making the IPRA request.

Another possible solution would be to refer these requests to an arbitration or mediation situation to attempt to resolve and produce the needed documents. Maybe those results could be appealed to district court.

The City of Albuquerque has various boards for work related discipline, so maybe governments of a certain size should have something similar for IPRA.

There should also be employee punishment when IPRA requests are not met. The City of Albuquerque pays several million dollars a year in IPRA fines. Why can't they hire a task force to complete their IPRA requests? It would be cheaper.

Comment-158 *Submission Portal · Jul 14, 2026, 7:51 AM*

Andrea Ontiveros — Portales Municipal School District
Education
Staffing-Workload Requestor-DataBroker

We receive weekly IPRA requests from The Data Branch company, and replying is a burden on payroll cost at this point. There has to be a stop somewhere, when a company is told that all information is posted on the webpage. We received 3 this week alone.

Comment-159 *Submission Portal · Jul 15, 2026, 9:26 PM*

Aria Middleton-Chiodo
General Public
RecordAccess-Strengthen

I support IPRA reforms that strengthen, not weaken, public access. We need to hold government agencies accountable. Please make sure modernization and reform has the public in mind.

Comment-160 *Email · Jul 17, 2026, 8:29 AM*

Jason Sanchez
General Public
Reprisals Enforcement-LackOf

Good Morning IPRA Task,

Attached is proof government bodies are trying ways to circumvent IPRA.

This is Fifth DA Chief Prosecutor Megan Kirtley the daughter of Lea County Sheriff Corey Helton and DA Investigator Steven Brown asking what this LCSO is going to do if this gets IPRA. This incident was involving an incident concerning a runaway and alleged child abuse involving DA investigator Steven Brown who is dating ADA Kirtley.

IPRA is not a threat a threat what it exposes is.

Jason R Sanchez

Attachments (1):
https://youtu.be/UlsY13wHzZk

Comment-161 *Submission Portal · Jul 19, 2026, 9:56 AM*

Brenden Murphy
General Government
Sensitive-Infrastructure Requestor-Vexatious Requestor-AI Enforcement-Damages
Statute-ExemptionConsistency

IPRA's stated purpose is to ensure that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees. I recognize that it is important that people know what their governments are doing and how they operate, but there is an inevitable conflict between this purpose and the government's duty to preserve public security and safety.

State, county, and local governments are required to make reasonable efforts to preserve safety and security for their employees, the public, and people they hold in custody against their will, either in pretrial detention or after criminal convictions or commitment.

The government also has a duty to exercise reasonable care to protect public and private property in its custody, some of which, like vehicles, weapons, hazardous materials, and drugs, can be used to cause great

harm in the wrong hands. There are holding cells, evidence rooms, and armories in jails, prisons, police departments, and numerous other government facilities throughout the State.

Most of these duties are fulfilled by public employees with the help of security features and adherence to procedures. Public employees should not be required to take unreasonable risks in the performance of their jobs in the name of public transparency.

Part of the reason that security features and practices are effective is that employees and staff who work at secure facilities know more about the security features and procedures than potential bad actors. For example, employees tend to have better knowledge than the public about which key fits into which lock and where the spare keys are kept, what the alarm codes are, which entrances have security magnetometers and body scanners and which don't, where the panic buttons are, how to turn security features on or off, where weapons (if any) are stored and how they work, what personnel is assigned to a public official's security detail, and which public official or employee is assigned to or authorized to park in a particular parking space. Security works better than it otherwise would when information about it is protected from disclosure. It is easier for potential bad actors to circumvent security features and practices when they know what security features exist and how they work, and what security employees are instructed to do and what they have done in the past as part of their job duties to deal with security threats.

There is an exception in IPRA for "tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack." Unfortunately, the terms "tactical response plans or procedures" and "terrorist attack" are too specific. The 2024 edition of the NMDOJ's IPRA guide makes clear that its position is that the "tactical response plans or procedures" exception is very narrow. Building plans and other documents and communications containing facts about security features, equipment and actual practices of security employees and contractors in public facilities are not "tactical response plans or procedures." Bad actors do not need specific "tactical response plans and procedures" to compromise security if they have knowledge of the layout and security features of government facilities. The "terrorist attacks" limitation in the exception also lacks clarity. Are breaking and entering, vandalism, theft, public disturbances, physical altercations, or escapes from a jail, prison, or holding cell "terrorist attacks" or just typical security problems that the government is expected to be able to handle? Why would the government's interest in preserving safety and security extend only to terrorist attacks?

Generative artificial intelligence is now accessible to just about everyone in America with a computer or phone. Try using a generative artificial intelligence platform (like ChatGPT) to generate 100 discrete written public records requests about security features in public buildings. The results may surprise you.

A requester can make money with IPRA when a governmental entity refuses to produce requested records or delays production, with the taxpayer on the hook for the bill. The requester can make up to $100 a day for delayed or refused production per request, plus attorneys' fees and expenses, so there is a financial incentive to send a lot of requests for documents that make IPRA records custodians and agency management worry about potential dangerous consequences of disclosure.

I've seen the term "vexatious requester" mentioned in proceedings of this Task Force. There is no such thing in IPRA. The requester's reason for submitting requests for documents is entirely immaterial as IPRA specifically states that "[n]o person requesting records shall be required to state the reason for inspecting the records." How can a request or requests ever be characterized as "vexatious" given that the requester never has to tell anyone their motivations for submitting them?

The lack of a "rule of reason" in New Mexico IPRA jurisprudence means that whether document requests

are seeking potentially dangerous information is immaterial to whether governments are legally required to produce records in response to IPRA requests. Potential negative safety and security consequences of releasing public records do not matter if the Legislature has not stated that the types of documents requested should be protected from disclosure. When public entities withhold documents that they are not authorized to withhold by an IPRA exception, the requester has a winning lawsuit and a government payout coming their way.

I urge this Committee to recommend the creation of a new exception in IPRA for physical security features, policies, procedures, and practices. Without a new exception, IPRA places governmental entities in the position of having to violate IPRA to preserve safety and security at their facilities.

Comment-162 *Email · Jul 19, 2026, 8:39 PM*

Douglas Michel
General Public
ProactiveTransparency RecSys-RedactionTech Staffing-Workload Staffing-ProfessionalStandards DataCollection Requestor-Batch

Dear Chair Méndez,

Following up on my earlier submissions, I wanted to share my written comment ahead of the task force's staffing and technology sessions this week. I'm submitting it for inclusion in the public record and sending copies to members and stakeholders directly.

The comment addresses both sessions together, because the two questions are closely related. Its central point comes from the agencies' own evidence: the more carefully the records burden is measured, the more it concentrates in a small number of expensive record types, and the more it reflects gaps in systems, training, and custodian competence rather than the volume or conduct of ordinary requesters.

It draws in part on a survey I conducted recently of thirteen varied New Mexico public bodies, asking each for its own public-records metrics; most maintain none at all, which means the burden claims driving this process are largely unmeasured.

I hope it is useful to the task force's deliberations, and I'm glad to provide any underlying material that would help.

Respectfully,

Douglas Michel
505.796.2992

Attachments (1):
Michel_IPRA_Combined_Comment_Staffing_Technology.docx

Comment-163 *Public Remarks - Gallup Meeting · Jul 20, 2026*

Christopher Allred
General Public
RecordAccess-Accountability Staffing-ProfessionalStandards Redaction-Errors

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Comment-164 *Public Remarks - Gallup Meeting · Jul 20, 2026*

Carrie Lovato — Assistant Superintendent, Gallup-McKinley County Schools
Education
Staffing-ProfessionalStandards | Requestor-Vexatious | Requestor-DataBroker | Requestor-Batch | Statute-Burdensome

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Comment-165 *Public Remarks - Gallup Meeting · Jul 20, 2026*

Terri Dixon — Legal Assistant, Doña Ana County
General Government
Staffing-Workload | Redaction-Privacy | Redaction-Errors | Sensitive-Victims | Sensitive-Infrastructure | Requestor-SocialMedia | Requestor-AI | Requestor-Batch

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Comment-166 *Public Remarks - Gallup Meeting · Jul 20, 2026*

John Bernitz — District Attorney, Eleventh Judicial District Attorney's Office, Division II
Judicial Body
Requestor-DataBroker | Requestor-AI | Enforcement-Damages

Comment-167 *Public Remarks - Gallup Meeting · Jul 20, 2026*

Frances Salas — City Clerk and Records Custodian, City of Grants
General Government
Staffing-Workload | Redaction-Standards | Redaction-Privacy | Redaction-TimeBurden

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Comment-168 *Public Remarks - Gallup Meeting · Jul 20, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
Requestor-DiscoveryBypass | Enforcement-NoticeCure | Statute-Burdensome

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Comment-169 *Public Remarks - Gallup Meeting · Jul 20, 2026*

Jason Sanchez
General Public

Comment-170 *Public Remarks - Gallup Meeting · Jul 20, 2026*

Christopher Allred
General Public
RecordAccess-Accountability

Comment-171 *Public Remarks - Gallup Meeting · Jul 20, 2026*

April Deale-Thomas — Records Coordinator, Doña Ana County
General Government
RecSys-Requests | Staffing-Workload | DataCollection | Redaction-TimeBurden | Requestor-AI

Comment-172 *Email · Jul 20, 2026, 9:19 AM*

Quay Dominguez — City of Carlsbad
General Government
Staffing-Workload | Staffing-Budget | Requestor-OutOfState | Fees-Recoupment

Good morning, members of the IPRA Task Force,

I did not include the City Clerk's comments from the meeting held in Carlsbad in my initial email. You can find them below.

Approximately 65% of our 2025 IPRA requests have come directly from individual requesters, while approximately 23% were submitted by commercial requesters. In 2024, we received 5,279 requests; in 2025, that number increased to 8,071, a 52.9% increase in just one year. This reflects strong public engagement but also creates a significant operational workload. If this trend continues, we will receive approximately 8,500 requests in 2026. We are also seeing an increase in repeat requesters, who may submit 15 to 30 requests daily and, in some cases, close to 100 requests in a single day. While a single request may not be burdensome on its own, the volume and frequency can place a substantial strain on staff time and resources. We are absolutely supportive of transparency and consideration for the operational impact these requests can create, including discussion of reasonable fees and safeguards, while preserving strong public access rights. Municipalities must also carefully balance transparency with privacy protections for victims, sensitive information, and legally protected records. The goal is not to limit access, but to ensure the process remains sustainable, responsible, and effective for everyone.

Thank you!

Best,

–

Quay Dominguez
IPRA Compliance Manager
City of Carlsbad
(575) 887-1191 ext. 7953
Fax: (575) 887-0237
qadominguez@cityofcarlsbadnm.com

Comment-173 *Submission Portal · Jul 20, 2026, 6:01 PM*

Margery Albillar
General Public
Requestor-DataBroker | Statute-Limitations

I attempted to use teams to log on to tonight's meeting but was unable to do to an invalid conference ID number being published.

After reviewing the New Mexico Municipal League's IPRA in Action report, I appreciate the statistical information it provides regarding the workload local governments face. However, the report should not be viewed as a neutral legal analysis. It is better understood as a policy advocacy document.

Throughout the report, factual data is repeatedly combined with recommendations for legislative reform without clearly distinguishing existing law from policy preferences. That distinction is important.

For example, the report suggests that commercial requesters are inconsistent with the purpose of IPRA. But New Mexico law does not distinguish between commercial and noncommercial requesters. The Legislature intentionally created a broad right of access without requiring anyone to explain why they want records or how they intend to use them.

The report also implies that commercial use and resale of public records conflict with IPRA's statutory intent. Yet the statute regulates access to records, not the lawful use of records after disclosure. Any restriction based on a requester's purpose would be a policy change, not a clarification of existing law.

The report also presents several legal issues in ways that can mislead readers. It overstates that IPRA has no statute of limitations without adequately explaining that courts may apply general limitation periods. It oversimplifies discussions of liability and repeatedly portrays litigation as an unnecessary burden while giving little attention to why lawsuits occur, such as unlawful denials, excessive delays, or failures to comply with IPRA.

Another concern is that the report frequently attributes increased staffing costs to fewer resources for roads, parks, and public safety without providing evidence that those budget reductions actually occurred. Correlation is presented as causation.

The report also omits important legal context. It does not discuss the New Mexico Supreme Court's repeated instruction that IPRA must be construed broadly in favor of disclosure and that exceptions are to be interpreted narrowly. It also fails to recognize the public benefits of IPRA enforcement, including improved agency compliance, clarification of the law, and greater government accountability.

Finally, the report appears to rely primarily on interviews with government officials and attorneys, without comparable input from journalists, open-government organizations, civil liberties groups, or frequent IPRA requesters. That limited perspective is reflected in its recommendations.

I encourage policymakers to distinguish carefully between the report's useful statistical findings and its policy recommendations. Any proposed changes to IPRA should be evaluated in light of the Legislature's stated purpose: to provide the greatest possible information regarding the affairs of government and the official acts of public officers and employees.

Comment-174 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Andrea Jones — City Clerk, City of Farmington
General Government
Staffing-Workload Requestor-Vexatious Statute-Burdensome

Comment-175 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Jack Fortner — District Attorney, Eleventh Judicial District Attorney's Office, Division I
Judicial Body
Sensitive-Victims | Requestor-Vexatious | Statute-ExemptionConsistency

Comment-176 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Kerri Carpenter — Vice President, San Juan College
Education
Requestor-OutOfState | Requestor-DataBroker | Fees-Recoupment | Enforcement-NoticeCure | Resource-Ombudsman

Comment-177 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Mike Stark — County Manager, San Juan County
General Government
Staffing-Workload | Sensitive-Infrastructure | Requestor-DataBroker | Requestor-SocialMedia | Requestor-AI | Fees-Recoupment | Fees-AfterThreshold

Comment-178 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Shane Ferrari — Sheriff, San Juan County Sheriff's Office
Law Enforcement
Staffing-Workload | Staffing-Budget | DataCollection | Redaction-TimeBurden | Requestor-OutOfState

Comment-179 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Glojean Todacheene
General Public
Fees-Recoupment

Comment-180 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Adam Howell — Journalist, pressfortransparency.com
Media
RecordAccess-Accountability | Requestor-OutOfState | Requestor-SocialMedia | DelayedProduction

Comment-181 *Public Remarks - Farmington Meeting · Jul 21, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
RecSys-RedactionTech | Staffing-ProfessionalStandards | Requestor-Vexatious

Comment-182 *Public Remarks - Farmington Meeting · Jul 21, 2026*

April Deale-Thomas — Records Coordinator, Doña Ana County
General Government
RecSys-Requests Requestor-AI

Comment-183 *Email · Jul 21, 2026, 12:26 PM*

Robert Sanchez Langston — New Mexico Veterans Helping Veterans Advocacy Group
RecordAccess-Strengthen Requestor-Impede

Noticed you are having an IPRA Task Force meeting next week. Wanted to provide comments, rather than submit a formal complaint at this time.

Issue: We (New Mexico Veterans Helping Veterans) were looking into an issue involving the NM State Veterans Home specifically, as well as, program performance data for the other two state-run facilities. For example, we submitted an IPRA, to ALTDS for information in the "aggregate" regarding referrals to the Ombudsman's Program for these facilities.

The response from ALTDS indicated they could not provide any information citing confidentiality of the people involved. We had made it clear that we were not looking for any personal identifiable information, but rather information in the aggregate. ALTDS referred our IPRA Request to APS, who in turn, cited confidentiality as a
reason for not complying with said request.

A similar strategy was used with CYFD when asking for information in the aggregate. Other agencies like the NM Division of Veteran Services, simply don't respond to requests for information, or forward the request to the appropriate agency, for example, asking for Job Decriptions for the Veteran Service Officers, their levels of certification and informatoon related to continuing education.

We work around these obstacles, in order to assist the veterans and their family members that reach out to our organization for help. It seems they choose to become an obstical and hindrance to information gathering, rather than acting like a Librarian helping to find the book you need.

Respectfully,
Robert Sanchez Langston MSW BSW
Sergeant First Class, United States Army (Retired)

Attachments (1):
Matters - NMDOJ-MTR-2026-04631.pdf

Comment-184 *Submission Portal · Jul 21, 2026, 5:39 PM*

Roberto Taboada — Farmington Municipal Schools
Education
Requestor-OutOfState Fees-Recoupment Enforcement-Mediation

I want to thank the Taskforce for coming to San Juan County and listening to our views on public records.

Our current experience tells us that requests have more than doubled and that the requests are coming from out of state and only seeking contracts and purchase orders.

I would suggest that the Public Records Acts be updated to allow for charging for the time the employee spends reviewing and redacting the information, and that there is a mediator that can review or help challenge exceptions and/or redactions.

Farmington Municipal Schools, for example, believes in posting and disseminating as much information as possible, and of the importance of transparency, however there are privacy and FERPA/HIPAA laws to consider before releasing information, as well as the amount of information we are actually releasing to members of the community or individuals instead of data companies.

Thank you again.

Roberto Taboada
Information Officer
Farmington Municipal Schools

Comment-185 *Email · Jul 22, 2026, 8:09 AM*

Andrea Jones — City Clerk, City of Farmington
General Government
Staffing-Workload Sensitive-Juvenile Requestor-Vexatious Enforcement-NoticeCure Statute-Burdensome

I've listened to the majority of your meetings and Farmington experiences many of the same issues that have already been expressed. We support:

- Additional protections for minor victims regardless of who created the record;
- Protections from abusive or vexatious requesters;
- A process for remedying a complaint along with a compliance period before fines begin;
- Removing the requirement to forward a request to the correct custodian; and
- Removing the initial 3-day communication requirement.

The Farmington Police Department has its own Records Division and has faced the enormous increase in requests that require extensive redaction and staff time that most entities are facing.

My office facilitates all other types of requests and today I want to focus on the need to address requests for email communications.

I'd like to provide you with an example that also dovetails into vexatious requesters.

John Doe submitted 552 requests in 79 days between August and October of 2025. 42 of those requests remain open. In 2026, John Doe has submitted 47 requests of which 18 are still open. All of the open requests are for email communications. For perspective, my office facilitated 480 total requests in 2024.

A sample request from John Doe – Please provide all sent and received emails for all City of Farmington employees for 2025. I believe that it is a reasonably specific request (very similar to asking for all PO's for 2025) and therefore cannot be denied.

I've used some conservative estimation to provide you some numbers for this request.

We have an average of 950 active employee email accounts and I've estimated 7500 emails per account. That's 7.13 million emails for one single request.

1 FTE working an entire year on this one request would need to review 57 emails per minute.
5 FTEs would each need to review 11 emails per minute.
10 FTEs would each need to review 6 emails per minute

Financially, estimating an annual salary with benefits of $50,000 per employee, this one single request will cost over $500,000. And that number doesn't include IT's staff time, server download time or the conversion time in CaseGuard to even begin processing the request.

Something really needs to change and I have a reasonable suggestion that is similar to the requirements for requesting Police video or audio.

A request for release of email communications shall specify at least two of the following:

1. The sender's name or email address;
2. The receiver's name or email address; or
3. The date or date range and at least one of the following:

(a) Specific subject
(b) Keyword
(c) Exact phrase

I believe this would provide for targeted searches and significantly improve fulfillment times.

In regards to your discussion yesterday and keeping this example in mind, I can't advocate for increased IPRA staffing if nothing reigns in the sheer number of records that can be requested. I also can't support State Statute dictating the order in which requests are processed. If it did, no one other than John Doe would get a single record from my office for several years.

Software Utilized by both Police Records and City Clerk:
NextRequest ($20,000 per portal) and CaseGuard ($3,000 per user) for both offices.

Police Records
2026 – 4210
2025 – 8072
2024 – 7615
12 Staff Members – 3 dedicated to IPRA

City Clerk
2026 – 357
2025 – 987
2024 – 480
4 Staff Members – 0 dedicated to IPRA

Combined
2026 – 4567
2025 – 9059
2024 – 8095

Thank you,

Andrea Jones, MMC
City Clerk

City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1101 - Office
(505) 599-1113 - Fax
ajones@farmingtonnm.gov

Comment-186 *Submission Portal · Jul 23, 2026, 7:57 AM*

Mike Stark — San Juan County
General Government

RecSys-Requests | RecSys-RedactionTech | Staffing-Workload | DataCollection | Sensitive-Infrastructure | Requestor-OutOfState | Requestor-DataBroker | Requestor-AI | Fees-Recoupment | Fees-AfterThreshold | DelayedProduction

Dear Members of the IPRA Task Force,

I am Mike Stark, the County Manager for San Juan County. As I stated at the meeting, since implementing a countywide IPRA records management system in 2023, we have been able to document that between 2023 and 2025, San Juan County experienced a 21.5% increase in IPRA requests. The overwhelming majority of these requests, 84 percent, are directed to our Sheriff's Office, where responding often requires reviewing and redacting hours of body camera footage, photographs, interviews, and other sensitive evidence. Today, approximately 16 county employees devote a substantial portion of their workload to IPRA compliance, representing more than eight full-time equivalent positions across our organization. (with an additional FTE being considered by our County Commission in the FY27 final budget next week). In addition, numerous employees across other departments and elected offices are also involved with processing requests. IPRA has become an unfunded mandate from the state of NM. Redaction of documents and video

Below are the recommendations I made at the IPRA Task Force Meeting in Farmington on July 21, 2026:

1. Allow government entities to charge for time spent for research, retrieval and redaction when responding to requests (like Colorado, Arizona, Utah, and Texas). We agree with the first hour could be free and then $30.00 per hour (median employee records wage with benefits) after that. Perhaps the charges could be waived for government entities, news outlets or watchguard groups. At the very least, a charge for redaction of video would be helpful. By not charging for government employees' time researching, retrieving, redacting, and responding to IPRA requests, we are funneling these time-consuming commercial requests to New Mexico.
2. Enact guidelines that prevent or reduce the use of bots for IPRA requests. Require better identification requirements for requesters.
3. Provide extended response timelines, especially for documents requiring redaction.
4. Strengthen protections for records that could reveal cybersecurity or infrastructure vulnerabilities. Requesting a list of IT vendors for example seems harmless on the surface until you realize such a list can be used for exploitation based on who a local govt contracts with or doesn't contract with
5. We suggest that a requirement be added that if the government entity maintains an electronic IPRA portal, then requesters making electronic requests must use the portal after being informed of the portal. This requirement should be fine-tuned so it does not hamper the average citizen's ability to inspect

records. If a requester continues to send requests to the wrong portal, there should be a consequence to disincentivize the behavior.

6. We should explore residency limitations as a way to discourage the commercial exploitation of New Mexico's IPRA statute especially from out of state interest. (You-tubers, bids, RFP's, PO's, uncashed checks, property tax records). Generally all of these requesters are for-profit interests trying to turn "free" govt data into a buck at the expense of NM taxpayers.

Comment-187 *Submission Portal · Jul 23, 2026, 3:48 PM*

Dixie Weiss — Gallup-McKinley County Schools
Education
RecSys-Requests

Good afternoon,

I am an employee of Gallup McKinley County Schools and attended the Gallup IPRA Task Force meeting as well as the Farmington IPRA Task Force meeting virtually, but did not comment, although I found both sessions to be informative and enjoyable. The person who spoke on behalf of GMCS at Gallup was asked for the name of the software that we use to track our IPRA's. I am the Custodian of Records and work with IPRA's on a daily basis so am quite familiar with the software which is Next Request. We were asked to let you know the company's name so that is the essence of this comment.

Comment-188 *Submission Portal · Jul 24, 2026, 10:57 AM*

Shari Adkisson
General Public
RecordAccess-Strengthen Requestor-DataBroker

IPRA is a very important part of the public to find out what is really going on with our government. I understand that it is a pain to get the data together and publish, but we cannot allow the commercial data brokers to mess the process for the rest of the public. We need this access to keep our representatives in line.

Comment-189 *Submission Portal · Jul 27, 2026, 9:37 AM*

Sean Barham — Executive Director, Las Cruces Public Schools
General Government
RecSys-Storage Staffing-Workload Staffing-Budget

The following comments are submitted on behalf of the administration of the Las Cruces Public Schools.

As a public school district in the state of New Mexico, Las Cruces Public Schools is committed to transparency, lawful disclosure, and timely responses to public records requests. At the same time, the district must balance those obligations with student privacy, employee privacy, federal and state confidentiality requirements, and the practical realities of locating, reviewing, redacting, and producing records across multiple schools, departments, and electronic systems.

The following items reflect recurring challenges experienced across the district when responding to IPRA requests. These concerns are not limited to one office or one category of records; rather, they affect district

operations as a whole and often require coordination among records personnel, school administrators, department leaders, technology staff, legal counsel, and employees who maintain responsive records.

1. Student Privacy and FERPA Considerations

Requests involving students present unique challenges because the district must comply with IPRA while also protecting student information under the Family Educational Rights and Privacy Act (FERPA) and related privacy requirements. In practice, the overlap between public records law and student privacy law can be difficult to navigate. Requests may involve records that are public in one context but confidential or partially confidential in another because they contain personally identifiable student information, education records, discipline information, special education records, communications with families, or other sensitive content.

The district's concern is not with transparency itself, but with the need for clear, workable guidance that allows schools to respond efficiently while avoiding improper disclosure of protected student information. When requests involve educational records, the district must carefully review, separate, and redact information before release, which can substantially increase processing time and complexity.

2. Email and Electronic Records Management

District business is conducted through email, shared drives, learning platforms, student information systems, messaging systems, and other electronic tools. As a result, many IPRA requests require broad electronic searches across multiple custodians, departments, and time periods. Requests for email records can be especially time consuming when they involve broad topics, long date ranges, multiple employees, or large volumes of potentially responsive messages.

Because IPRA does not generally limit the number of topics, custodians, or years that may be requested, the district may be required to search, collect, review, redact, and produce thousands of electronic records. Even when the district can complete the request, the process can delay other work and can create significant strain on staff capacity. Reasonable parameters around scope, date range, search terms, and custodians would assist districts in producing responsive records more efficiently while still preserving public access.

3. Administrative and Operational Burden

Public records requests often require coordinated work beyond the records office. A single request may require assistance from school sites, human resources, finance, special education, operations, technology, transportation, legal, and other departments. Employees may need to pause regular duties to locate records, clarify whether records exist, retrieve archived materials, or assist with interpretation and review.

The district currently has one employee dedicated to coordinating all IPRA requests. Additionally, the district has purchased software to help with management of the requests at a cost of $9500 per year.

The public may reasonably assume that all requested documents are immediately available in a centralized location. School district records are often contained across many departments. This creates an operational burden even when staff are acting diligently and in good faith. The district continues to prioritize timely responses, but IPRA timelines can be difficult to meet when records are not readily accessible or when requests require input from employees across several departments and/or campuses.

4. Personnel and Employee Privacy

Requests involving teachers, administrators, support staff, and other employees require careful review to balance public transparency with employee privacy and confidentiality. Personnel-related records may include information that is public, information that is exempt from disclosure, and information that must be redacted before production. Examples may include employment records, evaluations, disciplinary materials, medical or leave information, personal contact information, attorney-client communications, text messages, and other protected content.

These requests often require legal review to ensure the district releases what the law requires while protecting information that must remain confidential. Legal review and redaction can increase the time and cost associated with responding to requests, particularly when personnel matters involve large files, sensitive issues, or overlapping legal protections.

5. Need for Practical Clarity, Sustainable Procedures, and Financial Support

The district supports the purpose of IPRA and recognizes the importance of public access to government records. However, school districts operate in a uniquely complex environment because records often involve minors, families, employees, federally protected education records, special education information, safety concerns, and confidential personnel matters.

Clearer guidance, reasonable scope management, recognition of the time required to search and review electronic records, and financial support from the legislature would help districts respond more consistently and efficiently without the unfunded financial burden we are forced to bear. A workable process should protect transparency while also acknowledging the staffing, privacy, legal, financial and operational realities of a large school district.

Conclusion

Las Cruces Public Schools remains committed to meeting its obligations under IPRA and to maintain open, transparent communication with the public. District staff work diligently to respond to requests as quickly and completely as possible, and departments across the organization routinely assist in locating and producing records.

At the same time, districtwide experience demonstrates that IPRA compliance can be complicated by student privacy, employee confidentiality, broad electronic records requests, decentralized recordkeeping, and the need for legal review. The district encourages continued discussion of practical improvements that would preserve public access while creating clearer, more sustainable procedures for public school districts along with financial support from the state.

Comment-190 *Submission Portal · Jul 29, 2026, 10:20 AM*

Rodney Fox
General Public
Enforcement-LackOf DelayedProduction

In my experience, in attempting to retrieve data for claims made by the NM DOH, I experienced delay after delay and reasons for denial of data that didn't hold up. After 4.5 years of delays and stonewalling, my court

case was dismissed due to the statute of limitations. This was only possible because of their delays and stonewalling. Otherwise, I would have won that case.

In my experience, the IPRA process is a total failure in regards to retrieving data related to immunology. Hiding behind words of sincerity, there is actually is no transparency, and there certainly is no accountability from a governmental department that is supposed to represent the best interests of the public. That is certainly not the case.

For reference:
NM district court case: D-101-CV-2025-766
IPRA filings: 2021-672 & R000289-052724
Disposition Letter: NMDOJ-ECS-20240701-1475

Comment-191 *Submission Portal · Jul 29, 2026, 12:59 PM*

Richard Coltharp
General Public
Staffing-Budget

I'm a longtime journalist, having practiced in Southern New Mexico from 1995-2024, and now I'm a journalism professor at New Mexico State. I attended the listening session in Las Cruces in June. Here are two thoughts I had regarding IPRA and possibly helping streamlining it for the organizations. Probably nothing you guys hadn't already thought of, but just in case.

1. Authorize more people at the gov't entity to handle IPRA requests. I think of how reporters have traditionally worked with PIOs, etc. Maybe, when the reporter makes an IPRA request, the PIO can do it right then and there, instead of turning it in to the bureaucracy, which will only cause delay. If the PIO and reporter are working closely, they already know what the reporter is seeking, reducing the need for questions and back-and-forth. As it was clear the other day, reporters and media are probably now responsible for a smaller portion of the IPRA requests than in the past, but if the media requests were off the plate of the normal IPRA people, that will reduce some of the workload. (Of course, adding a little to the PIO workload.)

2. Someone mentioned about the state funding extra positions for the cities, counties etc. But, to me, that seems a little like overkill. It appears these huge loads and requests are cyclical. There will be times even an extra position won't be enough to address it. But once it's done, there might not be another huge request for months, leaving that extra position to twiddle their thumbs. But what if the state created STATE REGIONAL IPRA EXPERTS. Perhaps the state could add the positions on the state payroll rather than the individual municipalities. Maybe it can follow the districts of NMDOT, which has six of them. If you have a person who lives in each of these districts, they can work with whichever entity in their district has the biggest need. For example, the expert in District One could be working with Dona Ana County one week, then be in Lordsburg the next, then Silver City, then at NMSU the next, and so on. With the advent of so many of the records being online, the expert wouldn't even necessarily have to travel. And if there is a gargantuan request in one district, maybe an expert or two from the other regions can temporarily pitch in.

Comment-192 *Submission Portal · Jul 30, 2026, 10:28 AM*

Anonymous
General Public
RecSys-Retention

Are police records being deleted/purged correctly based on the record retention laws?

Are they deleting the footage 1 year after date of incident?

For Example: Rio Rancho Police Department lists the following:

City of Rio Rancho - Records Retention Schedules.

R15.328 Video Recordings – Police Department

(1) Evidentiary footage or recording (i.e., footage or recordings of DWI arrests or any criminal incident): 1 year after date of incident or 60 days after date of court disposition, whichever is less (2) Booking area footage or recording: 90 days after date created (3) Routine surveillance footage/recordings(e.g., footage or recordings of entrance or exit areas, car parking areas, etc.)

As of July 2026 YouTubers are posting videos from RRPD Bodycam Video that took place in 2024. Many videos on you tube have content areas featured that should have been deleted 90 days after upload.

Retaining the videos longer than the retention schedule creates unnecessary privacy risks.

If they purged these on time, records requests may overwhelm the system less.

Comment-193 *Submission Portal · Jul 30, 2026, 10:47 AM*

Anonymous
General Public
Requestor-SocialMedia

Keep paper records somewhat more accessible but heavily restrict Video records release. Video records (bodycam) is what the vexatious YouTubers are after and causing strain on IPRA workers in New Mexico.

Make a court order required for video. Remove video from IPRA so it's not considered a "public record" in New Mexico.

Alabama, Arizona, Kansas, Maine, Missouri, North Carolina, South Carolina, Texas and Wyoming have more restrictive laws. Look into copying their laws.

Comment-194 *Submission Portal · Jul 30, 2026, 10:52 AM*

Anonymous
General Public
Redaction-Errors Sensitive-Juvenile

Redaction in New Mexico bodycam video is a joke. I have seen so many minor children in YouTube creep video channels. They are bystanders around adult family who are being arrest. Sometimes the kids/teens

have been arrested. These kids juvenile records are sealed however their bodycam footage can be plastered all over YouTube?

These children are not being blurred by New Mexico City Clerks offices or by Police Offices prior to release. Their names are not being redacted when talked about in the videos. Who is responsible for the redactions? Sad for these kids having a video like this on YouTube for the rest of their life.

Comment-195 *Submission Portal · Jul 30, 2026, 12:48 PM*

Molly Swank — Executive Director, Common Cause New Mexico
Advocacy Group
RecordAccess-Strengthen Staffing-Budget Requestor-DataBroker

To the members of the IPRA Taskforce,

As the largest government accountability organization in the state, Common Cause New Mexico submits this letter as formal support for our state's Inspection of Public Records Act (IPRA). Public records laws are the foundation on which accountability is built. Community members, organizations, and stakeholders cannot hold the government accountable if we do not know what the government is doing - public records laws allow us to do that. Community members deserve full transparency to better understand the happenings of our cities, counties, and state.

The current issues with IPRA are not with the law itself, but with the compliance and program infrastructure. Although it has been reported that the number of public record requests have consistently increased in recent years, it should also be highlighted that the majority of requests are from private data firms and law firms, seeking information for monetary gain - not New Mexican community members. It is these types of public record requests that are bogging down the system and draining our government's (and employee's) time and resources, not IPRA itself.

Due to this fact, the taskforce should consider conducting research on the program's infrastructure bottlenecks. Are departments and custodians properly financed and resourced? What do data custodians need in order to meet the increasing demands of IPRA? What kinds of records are the most requested?

IPRA is one of the most important tools used by the public and the press to hold our government accountable and promote free access to public information, and like all tools it needs to be kept sharp. It is Common Cause's recommendation that this taskforce focus on sharpening our IPRA tools and looking at nefarious actors instead of trying to decide the efficacy of the program. Taking our state backwards and allowing local governments to function in the dark is counter intuitive to the wants and needs of New Mexicans. Common Cause looks forward to working with our elected officials on solutions that will strengthen our community's understanding of our government without restricting access.

In common cause,

Molly R. Swank, MSW

Executive Director, Common Cause New Mexico

Comment-196 *Submission Portal · Jul 31, 2026, 10:25 AM*

Hannah Burling — President, League of Women Voters of New Mexico
Advocacy Group
RecordAccess-Strengthen ProactiveTransparency Staffing-ProfessionalStandards

Dear Members of the Inspection of Public Records Act Task Force:

On behalf of the League of Women Voters of New Mexico (LWVNM), thank you for your service on the Inspection of Public Records Act (IPRA) Task Force and for the opportunity to provide comments as you develop recommendations regarding New Mexico's public records law.

The League of Women Voters believes that transparent government is fundamental to representative democracy. Democratic government depends upon informed and active participation by the public and requires governmental bodies to protect the public's right to know through open meetings and accessible public records. Consistent with these principles, LWVNM expects all state and local governments to comply fully with both the Open Meetings Act and the Inspection of Public Records Act.

The guiding principle for any review of IPRA should be a presumption of openness. Public records belong to the people of New Mexico unless there is a clear and compelling legal reason to withhold them. IPRA provides citizens with the practical means to understand how their government operates, monitor the expenditure of public funds, participate meaningfully in public affairs, and hold public officials accountable. Open government strengthens public trust by demonstrating that decisions are made transparently and responsibly.

Open government benefits not only the public but also public agencies. Clear policies, proactive disclosure of frequently requested records, and consistent procedures improve efficiency, reduce repetitive requests, promote consistency, and build confidence that government is acting in the public interest.

The League encourages public bodies not only to comply with the minimum requirements of IPRA but also to embrace its spirit. Every public body should adopt an inspection of public records policy and procedure whose purpose is to help the public obtain the maximum amount of information they may seek about their government and to do so in a timely, efficient, and cost-effective manner. Such policies should presume disclosure, provide clear guidance to agency staff and the public, encourage proactive publication of commonly requested records, and promote consistent, prompt responses to requests.

Accordingly, the League of Women Voters of New Mexico respectfully urges the Task Force to recommend policies that strengthen New Mexico's commitment to open government by:

- Preserving the presumption of openness.
- Resisting creating new exemptions unless clearly justified and narrowly tailored.
- Requiring every public body to adopt written IPRA policies and procedures focused on maximizing public access.
- Encouraging proactive disclosure of commonly requested records.
- Supporting training and resources for records custodians to ensure consistent implementation.
- Promoting modern records management practices that improve efficiency and timely access.

The League of Women Voters of New Mexico appreciates the thoughtful work of the Task Force and stands ready to serve as a resource as you develop recommendations that strengthen transparency, accountability, and public confidence in government. We respectfully urge the Task Force to recommend policies that

preserve New Mexico's long-standing commitment to open government and ensure that the Inspection of Public Records Act continues to fulfill its essential purpose: helping the people of New Mexico understand, participate in, and hold accountable the government that serves them.

Thank you for your consideration.

Hannah Burling, President

Comment-197 *Email · Aug 1, 2026, 10:03 PM*

David Pardo
General Government
Staffing-Budget Staffing-ProfessionalStandards DataCollection

Good evening,

This is a follow-up comment to my earlier comments where I submitted my article on IPRA staffing, From Access to Capacity, for consideration to your Task Force. The article has since been published in the State Bar of New Mexico's July 8, 2026 edition of the Bar Bulletin (https://www.flipsnack.com/78FBF76F8D6/bar-bulletin-july-8-2026?p=18)

I read with interest the discussion during the Task Force's July 20, 2026 meeting in Gallup regarding staffing issues. I wanted to highlight several findings or recommendations from my article which may bear on this discussion, namely:

1. Though there may be large municipal outliers with more specialized needs, most of the article's data is aimed at showcasing the need for establishing minimum adequate staffing and technology requirements, which would benefit and affect smaller and medium-sized public bodies more directly.

a. Based on my experience, I recommended that one staffer be assigned no more than 500 annual requests. This may need to be adjusted if the requests are video-heavy. In addition, I recommended that the agency implement automation software beyond 400 annual requests.

2. The contents of the requests were outside the scope of my research, due primarily to resource and time limitations, and thus they did not address the rise of AI-driven requests and content provider requests for videos.
3. My professional experience across three public bodies in which I've worked prior to gathering research (Bernalillo County District Attorney's Office, NM Department of Justice (then the NM Attorney General's Office), and the NM Corrections Department) did not generally deal with AI requests. Only the DA's Office routinely dealt with bodycam videos, but this was not onerous at the time (2019-2022).
4. The article recommends that agencies report to the Legislature the number of annual IPRA requests, FTE staffers, and amounts spent on litigation and settlements, so that this can become a recurring issue for their consideration and refinement.

Thank you once again for your consideration of this issue. As stated during the discussion period, public agency staffing is not a silver bullet, but neither is it irrelevant to the needs of New Mexicans and fulfillment of IPRA.

David Pardo
505-301-0951
dpardo@outlook.com

Comment-198 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Manuel Garcia — Ex officio, Hispano Round Table Advocacy Group
RecordAccess-Accountability | Requestor-DataBroker | Requestor-AI

Comment-199 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Ambrosio Castellano Jr. — County Attorney, San Miguel County General Government
Staffing-Workload | Requestor-Vexatious | Requestor-DiscoveryBypass

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Comment-200 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

David Romero — Mayor, City of Las Vegas
General Government
Staffing-Workload | Statute-Burdensome

Comment-201 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Joy Ansley — County Manager, San Miguel County
General Government
Staffing-Workload | DataCollection | Requestor-Vexatious | Requestor-AI | Requestor-Batch | Statute-Burdensome

Attachments (1):
Las Vegas Meeting_San Miguel County IPRA Statistics.pdf

Comment-202 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Carol Linder — President, Luna Community College
Education
Requestor-OutOfState | Requestor-DataBroker | Fees-Recoupment

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Comment-203 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Caleb Marquez — Chief of Police, City of Las Vegas
Law Enforcement
Staffing-Workload | Redaction-TimeBurden | Requestor-SocialMedia

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Comment-204 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Kenneth Abeyta — IT Director, San Miguel County
General Government
Requestor-OutOfState | Requestor-AI | Requestor-Batch

Comment-205 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Cassandra Fresquez — City Clerk, City of Las Vegas
General Government
Staffing-Workload | Staffing-Budget | Redaction-TimeBurden | Statute-Burdensome

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Comment-206 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Sharon Alexander — Records Custodian, New Mexico Corrections Department
General Government
Staffing-Workload | Staffing-ProfessionalStandards

Comment-207 *Public Remarks - Las Vegas Meeting · Aug 3, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
Requestor-Vexatious | Statute-ExemptionConsistency

Comment-208 *Written Comment - Las Vegas Meeting · Aug 3, 2026*

Margery Albillar
General Public
EntityCoverage | CustodianDetermination | Enforcement-LackOf

My name is Margery Albillar, since February 2022, I have sent 53 IPRA requests to GSD. I am here today to expose how the General Services Department's Risk Management Division is weaponizing the litigation and settlement process to undermine New Mexicans' statutory right to inspect public records.

My case began with an IPRA request seeking records concerning Ms. Anne Taylor, Lead Counsel for the Disciplinary Board, an agency of the New Mexico Supreme Court. GSD's Risk Management Division paid for her private legal defense using taxpayer funds. Yet the legal position funded with those taxpayer dollars was that the Disciplinary Board is not a public body and therefore is not subject to IPRA. Government funds were used to argue that government transparency laws do not apply. That contradiction should concern every New Mexican.

The administrative gamesmanship did not end there. In a separate case, during a deposition just days before mediation, GSD's own records custodians made materially inconsistent statements under oath concerning the existence and handling of public records.

In response, I filed eleven targeted IPRA requests seeking to verify what had been said during that deposition. As a condition of settling my IPRA lawsuit, GSD required me to withdraw every one of those pending requests. I complied so the case could be resolved. But once the settlement was complete, I exercised the same rights every New Mexican has and submitted new IPRA requests.

The response was extraordinary. Rather than simply processing the requests, GSD attempted to recover my settlement funds, claiming that my filing new IPRA requests somehow violated the settlement agreement. My attorney was forced to defend me against the State's attempt to claw back the settlement because I requested public records.

Today I am experiencing another form of obstruction.

I recently requested records concerning two professional services contracts that funded legal services in two separate lawsuits where I acted pro se. Instead of responding to both contracts, GSD simply resent a spreadsheet it had previously produced for one contract and declared my request fulfilled. The second contract identified in my request was never addressed.

Previously, GSD had produced an amended spreadsheet identifying claim numbers associated with my lawsuits. Now, when I seek records concerning a second contract, there is no explanation whether that contract was searched, whether additional claim numbers exist, or whether legal expenses were paid under another contract. Instead, the agency simply declares the request closed.

This illustrates a recurring problem. Agencies increasingly decide for themselves what they think a requester wants instead of responding to what was actually requested. IPRA requires agencies to conduct reasonable searches and produce responsive records or explain why records do not exist. It should not permit agencies to answer only part of a request while declaring it fully satisfied.

The Legislature created IPRA to promote transparency, not to reward technical gamesmanship. Yet agencies can currently force requesters into repeated rounds of follow up requests simply to obtain a complete response to the original request. That increases costs for everyone, including the agencies themselves.

I urge this Task Force to recommend reforms requiring agencies to:

- expressly respond to every category of records requested;
- identify all locations and record systems searched when claiming no responsive records exist;
- state whether specifically identified contracts, files, or databases were searched;
- prohibit settlement agreements from being used to restrict a citizen's future IPRA rights; and
- prevent agencies from using public funds to intimidate citizens who continue exercising those rights after litigation has concluded.

Transparency should never depend on a citizen's willingness to endure years of litigation simply to obtain records that should have been produced in the first place.
Thank you.

Comment-209 *Written Comment - Las Vegas Meeting · Aug 3, 2026*

Noel Davis — City Clerk, City of Rio Rancho
General Government
Enforcement-LackOf

FYI- REQUESTING RECORDS TO SOLICIT IS ADDRESSED IN THE ACT. It is not followed. Pursuant to the Inspection of Public Records Act Section 14-2-1 (L), as otherwise provided by law prohibits the use of police reports to solicit victims or their relatives (14-2A-1 NMSA 1978, Protection of victims of crimes or accidents; police reports; commercial solicitation prohibited).

Comment-210 *Written Comment - Las Vegas Meeting · Aug 3, 2026*

Estrella Martinez — Records Clerk, Las Vegas Police Dept
Law Enforcement
Staffing-Workload DelayedProduction

To reiterate what my Chief of Police, Caleb Marquez, acknowledged: we have three clerks right now and the three of us handle IPRA, whether they come from our City Clerk's office or directly to our agency. Just this last month in July we had 31 IPRAs come into our office just from the City Clerks office, that does not include the requestors we receive coming directly into the Las Vegas Police Department. Even with three of us working on these requests, especially the ones that come monthly or 2-3 times a month, it is really hard to keep up with requests and meet the required deadlines. We ask if we can please extend the deadlines, thank you for your time and consideration.

Comment-211 *Written Comment - Las Vegas Meeting · Aug 3, 2026*

Marcelina Martinez
General Public
RecordAccess-Strengthen Staffing-Budget Enforcement-LackOf

My name is Marcelina Martinez, a member of the public who regularly submits IPRA requests and am actively sharing some of the issues I have learned via Substack and my website. I have observed most of the taskforce meetings and note that most of the comments from custodians and government employees and officials involve the amount of time required to field IPRA requests. I sympathize with their frustrations but would like to express some frustrations on the public's end.

1. Those in government made a decision to work in those fields, and are paid by members of public. The public has an absolute right to know what our paid employees are engaging in. Sometimes it is a member of the public that recognizes an issue happening within a governmental entity, even outside internal oversight. Our time is valuable as well and most of us are not being paid to submit requests or review the responses, which sometimes consist of hundreds of pages of documents even when the request is specific. The answer is not to stifle the public's access to the information. Many of the commenters in government seem to treat this role as secondary to the custodians' "regular" job. What is happening in our government is absolutely not a sidenote and it is insulting to hear even elected officials treating IPRA as an inconvenience.

2. I have heard custodians complain about having to respond to several similar requests yet these same custodians do not seem to be proactive in automating their request system. With regards to the comments implying that individuals might be seeking certain video footage to victimize public employees or even young women who have been charged with DWI, the taskforce should require statistics on the number of times this type of thing happens before taking it into consideration.

3. The enforcer should be held to a higher standard than the custodians they oversee. I submitted a complaint to the NMDOJ regarding the withholding of a document by the Santa Fe County Sheriff's office, where I actually provided evidence of the document that was withheld. When the NMDOJ sent the complaint to the custodian, the response was that they properly responded yet they still did not provide all documents. Case closed. Had the NMDOJ actually enforced IPRA, a lawsuit could have been avoided. Additionally, along these lines, I submitted a comment through the form on the taskforce's page and also submitted the same comment through the Q&A section of Teams at one of the meetings but it was

not read nor addressed. I therefore submitted an IPRA request to the taskforce to obtain all comments submitted through the form and also through the Q&A section and my comment was not produced. The law is only as good as the enforcer, and the enforcer itself must create more robust policies.

4. With regards to the issues of excessive requests, the law already has a solution for this and, in my experience, it is used even when it is not necessary – I regularly receive the initial response claiming the request is burdensome even when it is specific. In my opinion the request to the legislature should not be to limit the law, but to earmark funds for those entities that are struggling with responding to IPRAs. Many custodians do not seem to be well-trained. Some of the funds could be used to update software and processes in addition to ensuring proper training.

5. Artificial Intelligence is here to stay, and the more people learn about IPRA while also learning AI there will be more requests. This is a good thing. The public has been ill-informed about what is happening in the government that answers to them. I have learned some shocking things about issues within some of the offices of our state's regulators and courts. This should not be silenced but encouraged. Also, in theory AI should know how to properly make a request if it is used as intended. It could be used to actually help field the requests. Thank you for your time and consideration.

Comment-212 *Written Comment - Las Vegas Meeting · Aug 3, 2026*

Anonymous
General Public
Enforcement-LackOf DelayedProduction Statute-Burdensome

IPRA Timelines, Reasonable Standards, and Enforcement Oversight

I am submitting this comment to highlight significant hurdles the general public faces when attempting to access public records in a timely, transparent manner.

Over the past two years across multiple public entities (including school boards and local municipal services), I have experienced systemic issues that render statutory IPRA deadlines practically meaningless:

- Continuous Extensions: Agencies frequently cite "high volume" or "broad/burdensome" designations to unilaterally push response dates back months at a time, or stall after providing partial records. Without clear definitions, what prevents "reasonable delay" from becoming an indefinite denial?
- Lack of Timely Enforcement: When records custodians fail to respond or falsely claim no records exist, the public's primary recourse is filing a complaint with the NMDOJ. However, these complaints can sit pending for months with no status updates or responses to follow-up inquiries.

My core questions for the taskforce are:

1. What concrete limits or standards should be placed on custodians pushing back deadlines so that "reasonable time" is clearly defined and enforced?

2. What steps can be taken to ensure NMDOJ IPRA reviews are handled within an established timeframe, so citizens aren't left in administrative limbo for half a year or longer?

3. Short of hiring an attorney to file a lawsuit, what effective remedies exist for a public requester when both the agency and the enforcement review stall?

Comment-213 *Written Comment - Las Vegas Meeting · Aug 3, 2026*

Anonymous
General Public
Enforcement-LackOf Statute-ChildrensCode

Overlap between NMDOJ and NMPED.

Local school districts will introduce findings to parents on student discipline with no detail. When parents request the findings local school districts cite FERPA. Parents then initiate IPRA to obtain the findings. Local districts will state they are responding within IRPA guidelines. Local districts will then cite FERPA to parents and the NMDOJ will not look into the matter on behalf of the parents. How does the NMDOJ separate IPRA responsibilities from public education. Currently NMPED maintains a lawyer firm that represents 80 of the 89 schools to defend schools. Under "in loco parentis" families have little recourse to follow through on IPRA and information not provided from school districts.

Comment-214 *Written Comment - Las Vegas Meeting · Aug 3, 2026*

Kelly Kitzman — General Counsel, New Mexico Department of Taxation and Revenue
General Government
Requestor-DiscoveryBypass

Hello, This is language used in North Dakota regarding their IPRA law in an effort to prevent using IPRA as a work around for discovery in litigation.

"Any request under this section (IPRA) for records in the possession of a public entity by a party to a criminal or civil action, adjudicative proceeding as defined in subsection 1 of section 28-32-01(ND citation), or arbitration in which the public entity is a party, or by an agent of the party, must comply with applicable discovery rules or orders and be made to the attorney representing that entity in the criminal or civil action, adjudicative proceeding, or arbitration. The public entity may deny a request from a party or an agent of a party under this subsection if the request seeks records that are privileged under applicable discovery rules."

Just in case we find that helpful. Thank you

I'd like to add as General Counsel for Tax & Rev, which includes MVD, the bulk of IPRA requests MVD receives are from 2 or 3 law firms seeking vehicle records. This amounts to hundreds of requests per year- from 2 or 3 firms. Presumably they are using this information in civil litigation in an effort to obtain the information more quickly (and free) than they can in discovery. These type of requests are not in the spirit of government transparency as IPRA intended.

Comment-215 *Submission Portal · Aug 3, 2026, 2:40 PM*

Rebecca
General Public
RecSys-Digitization Statute-NoRecords

I am a lifelong Santa Fe resident and I am sorry to not be able to attend a meeting in person to share my frustration with the City of Santa Fe's inability to fulfill IPRA requests. In late 2022, I noticed a posting at

my neighbor's house that they were applying for a building permit and promptly called the city to request the plans. I was told to submit an IPRA request, which I did, and then I received a reply that there were no records. For various personal reasons (including a surgical medical procedure) I did not submit another request for a significant length of time at which point construction had begun. When I submitted a second request I was again told there were no records. I complained that construction had begun I was told that the "no records" response was just indicating that the records existed but had not been scanned and I could come see them in person. At this point everything had been approved and the subsequent renovation is an absolute eyesore that towers over my property and has ruined my view. If the city had properly responded to my original request I might have been able to complain before my neighbors got planning permission. I absolutely cannot believe the city approved this particular renovation; people actually stop me on the street to apologize for what I have to live next to. Not to mention the fact that my neighbor's wall is not to code and blocks visibility out of my driveway. I did not feel financially able to sue the city for this matter but I am beyond frustrated and sad.

Comment-216 *Submission Portal · Aug 3, 2026, 3:02 PM*

Danielle Sedillo-Molina — Clerk, The Village of Los Ranchos de Albuquerque
General Government
DelayedProduction

VII. Section 14-2-8, D. Time For Inspection

The time for inspection is simply not enough.

Most often in smaller municipalities, the records custodian is also the Clerk, procurement officer, human resources, treasurer, etc.., three days is an inadequate time to respond and research for the responsive documents and to do so in a thorough manner.

In addition, the disparity between "three business days" and the additional time needed of "15 calendar days" should either be calendar or business for both. I recommend "business days", as sometimes a weekend may fall in counting calendar days and it is a huge disadvantage to the records custodian.

Thank you,
Danielle Sedillo-Molina, CMC
Clerk/CPO/HR
Village of Los Ranchos

Comment-217 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Gabriela Ibañez Guzmán — Staff Attorney, Somos Un Pueblo Unido
Advocacy Group
RecordAccess-Accountability Requestor-DataBroker Enforcement-LackOf

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Comment-218 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Hannah Burling — President, League of Women Voters of New Mexico
Advocacy Group
RecordAccess-Strengthen ProactiveTransparency

Comment-219 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Sharon Alexander — Records Custodian, New Mexico Corrections Department
General Government
Requestor-Vexatious Enforcement-Damages

Comment-220 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Marcelina Martinez
General Public
RecordAccess-Accountability EntityCoverage Enforcement-LackOf

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Comment-221 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Katherine Garcia-Gallegos — IPRA Manager, City of Santa Fe
General Government
Fees-Recoupment Enforcement-Damages Enforcement-NoticeCure Statute-Burdensome

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Comment-222 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Steven Luna — Civil Rights Activist
General Public
Statute-Burdensome

Comment-223 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Berl Brechner
General Public
RecordAccess-Strengthen

Comment-224 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Bill Church — Editor, Santa Fe New Mexican
Media
RecordAccess-Accountability ProactiveTransparency Enforcement-RepeatViolators
Statute-Burdensome

Comment-225 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Kristina Fisher — Associate Director, Think New Mexico
Advocacy Group
RecordAccess-Strengthen ProactiveTransparency DelayedProduction

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Comment-226 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Peter Kovnat — Public Attorney
General Government
Resource-AdvisoryOpinion

Comment-227 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
Enforcement-NoticeCure Statute-ExemptionConsistency

Comment-228 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Adan Mendoza — Sheriff, Santa Fe County
Law Enforcement
Staffing-Workload Redaction-Privacy Requestor-SocialMedia Enforcement-Mediation

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Comment-229 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Debbie Helper — President, League of Women Voters of Santa Fe County
Advocacy Group
RecordAccess-Strengthen

Comment-230 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Denise Avila — Public Relations / Media Coordinator, Santa Fe County Sheriff's Office
Law Enforcement
Redaction-Privacy Requestor-SocialMedia

Comment-231 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Jason Sanchez
General Public
RecordAccess-Strengthen RecordAccess-Accountability

Comment-232 *Public Remarks - Santa Fe Meeting · Aug 4, 2026*

Yeny Maestas — Lead Data Analyst & MRRS Manager, Energy, Minerals and Natural Resources Department
General Government
RecSys-Digitization Staffing-Workload Requestor-DataBroker

Comment-233 *Written Comment - Santa Fe Meeting · Aug 4, 2026*

Margery Albillar
General Public
EntityCoverage CustodianDetermination

Hello, my name is Margery Albillar, Thank you for allowing my concerns to be heard. I urge the Task Force to recommend amending the Inspection of Public Records Act to expressly include court-appointed Special Masters within the definition of a "public body" when they perform official judicial functions.

The need for this amendment is demonstrated by my own experience in a New Mexico foreclosure case.

Following a judicial foreclosure sale, I submitted an IPRA request directly to the court-appointed Special Master seeking records relating to the performance of his official duties. I copied the plaintiff's foreclosure attorney, Ms. Griffel, on that request.

Rather than the Special Master responding to my request, he suggested I contact the foreclosure attorney. I later learned she forwarded my IPRA request to the district court. The court then sought the records from the Special Master and responded to my request as though it had become a request to the court.

However, after I filed an IPRA action pro se seeking access to the requested records, the positions taken by the defendants revealed a troubling gap in New Mexico law.

The Special Master's legal position was that he was not a "public body" and therefore had no obligations under IPRA.

The district court's records custodian, whom I also named in the action, maintained that the court did not possess the records I was seeking. Their defense in the lawsuit was that the request they were forwarded was addressed to the special master, not to the court.

As a result, each public official disclaimed responsibility for records relating to the official duties of a court-appointed Special Master. The Special Master asserted that IPRA did not apply to him, while the court asserted it did not possess the records. This left no meaningful avenue for obtaining records documenting the exercise of delegated judicial authority.

One of the records I specifically requested was the court's order or letter of reference issued under Rule 1-053 NMRA defining the Special Master's duties and authority. That document identifies the scope of the Special Master's appointment and is fundamental to understanding what authority the court delegated and what responsibilities the Special Master was expected to perform. Yet neither the Special Master nor the court produced the documents requested.

This experience highlights a significant accountability gap. If Special Masters act as "an arm of the court," as recognized in Bank of New York Mellon Trust Co. v. Schmidt (A-1-CA-36738), there should be a clear statutory mechanism for the public to obtain records documenting the performance of those official duties.

The Court of Appeals explained in Schmidt that a Special Master is appointed under Rule 1-053 NMRA, per-

forms duties assigned by the district court, and prepares reports for the court's consideration. The Court further assumed, for purposes of its analysis, that delays attributable to the Special Master could be treated as delays attributable to the court itself.

If a Special Master's actions are treated as official judicial actions for purposes of court proceedings, the records documenting those actions should not disappear into a gap where neither the Special Master nor the court accepts responsibility for providing public access.

Transparency should follow the governmental function, not the title of the individual performing it.

Without legislative clarification, New Mexico citizens can find themselves in the impossible position of being told that the court does not have the records while the court-appointed official exercising delegated judicial authority claims not to be subject to IPRA. That result is inconsistent with the purpose of the Inspection of Public Records Act, which is to promote accountability and transparency in government.

I respectfully urge the Task Force to recommend legislation expressly providing that court-appointed Special Masters are subject to IPRA for records created, received, or maintained while performing official court-appointed duties, or alternatively, requiring the appointing court to maintain and provide access to those records. Either approach would eliminate the accountability gap that currently exists and ensure meaningful public access to records documenting the exercise of delegated judicial authority.

Thank you for your time and attention to this extremely important matter.

Comment-234 *Submission Portal · Aug 4, 2026, 11:17 AM*

Joe Cardillo — Deputy Director, ProgressNow New Mexico Advocacy Group

RecordAccess-Strengthen RecordAccess-Accountability ProactiveTransparency Staffing-Workload Staffing-Budget Requestor-OutOfState Requestor-DataBroker Enforcement-Damages DelayedProduction

Good morning IPRA Task Force Members,

Thank you for your vital work and careful review of our state's IPRA law – by taking the time to meet with constituents across NM over the last two months, you have shown the value of participatory government.

We believe this work strengthens our democracy and restores trust in local government. It is with great appreciation that we submit a letter on behalf of the thousands of New Mexicans we serve, including our recommendations for this body to consider.

The full letter is available here: https://drive.google.com/file/d/1TOLaSbafPh4szfCelQ2OtPjvJwZgI8tc/view?usp=sharing

Please feel free to be in touch with any questions or clarifications, and we will plan to attend the August 5th meeting in Albuquerque.

Many thanks,
Joe Cardillo
Deputy Director
ProgressNow New Mexico

Attachments (1):

ProgressNow New Mexico August 4 2026 Letter To IPRA Task Force Regarding Protecting Public Records Access In NM.pdf

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Comment-235 *Submission Portal · Aug 4, 2026, 2:14 PM*

Ira Harge Jr — Acting Superintendent, Chama Valley Independent School District
Education

RecSys-RedactionTech | Staffing-Workload | Requestor-Vexatious | Fees-Recoupment

Subject: Impact of the New Mexico Inspection of Public Records Act (IPRA) on Small Rural School Districts

To the IPRA Task Force:

Dear Members of the Task Force,

My name is Ira Harge Jr., and I serve as the Acting Superintendent at Chama Valley Independent School District (CVISD). Unfortunately, I am unable to appear in person today as I am one of the district's designated Records Custodians and must assist with an overwhelming volume of IPRA requests while fulfilling my core administrative duties.

I am writing to express deep concern regarding how the current New Mexico Inspection of Public Records Act impacts small, rural school districts. At CVISD, we operate with a limited administrative staff. While we fully recognize the importance of transparency and the public's right to inspect public records under IPRA, the sheer volume, scope, and nature of recent requests have placed a substantial strain on our district's day-to-day operations.

Processing an IPRA request requires locating records across multiple departments, reviewing extensive volumes of documents, coordinating with legal counsel, identifying protected or confidential information requiring redaction, communicating with requestors, and strictly adhering to statutory deadlines. This demands a considerable amount of staff time and routinely diverts personnel from their primary educational duties. Currently, our staff spends an average of 20 to 40 hours per week responding to IPRA requests—frequently originating from former employees, community members, and outside corporations. In financial terms, this administrative burden costs our district between $23,920 and $47,840 annually.

The strain has become so severe that the CVISD School Board was forced to authorize hiring a temporary, part-time employee dedicated solely to administrative support for IPRA processing under the supervision of our Custodians of Records. This decision was made despite the district having no budgeted funds for this purpose. As a small district operating within tight financial constraints, creating an unbudgeted position creates significant fiscal hardship and directly reduces funding that would otherwise support educational programs, student services, and classroom resources.

Regrettably, a significant portion of our IPRA requests come from disgruntled individuals who appear to be weaponizing the Act—a statute intended to promote government transparency—to harass leadership and drain educational funds.

Despite these challenges, CVISD remains fully committed to complying with IPRA mandates and maintaining transparency with our community. However, small rural districts urgently need practical, structural solutions that allow us to fulfill these legal obligations without severely diminishing the resources available to educate our students. To assist the Task Force in identifying viable paths forward, we respectfully ask that you consider recommending the following statutory and administrative adjustments:

Tiered Statutory Timelines for Small Entities: Establish flexible processing timelines for public bodies with

limited administrative personnel (FTE) when handling voluminous or complex requests, preventing small staff from being penalized while conducting diligent reviews.

Protections Against Vexatious Requests: Create a clear statutory standard or administrative review process allowing public bodies to petition for relief from bad-faith, repetitive, or harassing requests designed to exhaust public funds rather than seek genuine information.

Modernized Cost Recovery & Fee Structures: Update the state fee schedule to allow public bodies to recover reasonable labor costs associated with searching, reviewing, and redacting extensive electronic communications (such as large email pulls), rather than restricting cost recovery strictly to physical paper copies.

Statewide Administrative & Legal Support: Establish a centralized support unit—either through the New Mexico Public Education Department (NMPED) or the Office of the Attorney General—to provide rural districts with specialized redaction software, technical support, and legal guidance for complex IPRA requests.

Thank you for your time, consideration, and leadership on this critical issue. We welcome your guidance and look forward to collaborating on solutions that preserve public transparency while protecting classroom resources for New Mexico students.

Respectfully,
Ira Harge Jr.
Acting Superintendent
Chama Valley Independent School District

Comment-236 *Submission Portal · Aug 4, 2026, 3:57 PM*

Meg Sparrow — Smith & Marjanovic Law
Private Law Practice
RecordAccess-Strengthen ProactiveTransparency RecSys-Storage RecSys-Digitization Staffing-Budget

IPRA is one of the fundamental building blocks of this state's government. It's central purpose - holding governments accountable - is crucial in a time where the federal government is doing everything in its power to shield, mask, or outright lie about the truth. IPRA's broad, lax laws regarding public records should be upheld to the highest extent possible. However, significant changes can – and should – be made to make it easier on our records custodians to make public records accessible to the public.

Changes to offices of records custodians, and New Mexico's agencies broadly, should include:

- Conversion of all paper records to an electronic record
- A state-wide database for widely requested documents, such as contractual bids with agencies, policies and procedures, records from open meetings, comments submitted on a notice and comment period, etc.
- Better hiring and retention practices for ALL New Mexico agencies and enough funding to provide staffing of at least two or more individuals whose EXCLUSIVE task is to respond to IPRA requests (instead of delegating IPRA tasks to in-house attorneys, paralegals, assistants, etc., who have other job duties aside from responding to IPRA)

What amendments should NOT include are any type of restriction on IPRA. Narrowing a requestor's ability to obtain fundamental records and hold their lawmakers and public services accountable is NEVER a bad thing.

However, barriers to entry, such as monetary costs, location limitations, and overburdensome questioning about why someone is requesting a record allows governments to erect a barrier between themselves and the people they are meant to serve. IPRA is incredibly useful, and its application MUST remain broad to allow for individuals to see exactly how their government functions on a daily basis. Without it, New Mexico will edge toward a FOIA-like construction, where delays abound, denials are common, and documents are rarely produced. New Mexico NEEDS its public records act. I strongly encourage this task force to go outside the government entities that have provided comment so far and pay attention to the needs of the people who duly elected their representatives.

Comment-237 *Submission Portal · Aug 4, 2026, 5:19 PM*

Chris Mechels
General Public
Enforcement-LackOf

My experience with NM IPRA dates back to 1995, following my retirement from LANL.

Under Gov. Johnson, it worked very well. I could enter an agency, ask to see records, and, in most cases, get immediate access, as IPRA intends.

This changed with Gov. Richardson, who immediately changed the IPRA process, requiring written requests, and taking 15 days for requests. This stifled the public access, and, over time, the public gave up. That continues today at the SF County government, which I freqently interact with. The state government, in many cases, just ignores an IPRA request, unless you involve an attorney.

The AG, since Richardson, does not enforce IPRA, simply offers “training” to government offices. Without enforcement, we are left with civil suits, which are expensive and tedious. Democracy, which relies on public access, is essentially dead in New Mexico governments, since Richardson. The AG is a politician who will not enforce IPRA or OMA. SF County continually violates both IPRA and OMA, and the BCC won’t address the problem. I fact the current BCC Chair Justin Greene seems to delight in the violations, of all laws.

Two remedies suggest themselves, if anyone cares for a remedy;

1) The AG must enforce Criminal actions, Malfeasance, against violations, such as the SF County Commission. This would force them to honor their “oath” to our laws, which include IPRA.
2) The independent Grand Jury, neutered since 1993, needs to be restored, and allowed to charge felonies , esp Malfeasance, against those government officials who violate IPRA. Today, the DAs won’t bring such charges. The Ethics Commission is well aware of this.

The current round of hearings on IPRA modifications, seeks to further weaken IPRA. This does nothing to restore the public access to records, which is much needed.

You might begin with the SF County government, one of the worst. They are SO bad that their iPRA poliices, as found on their website, don’t even comply with IPRA. The County Attorney is responsible for this.

Please feel free to contact me, if necessary.

Los Alamos County IPRA basically works, SF County IPRA doesn’t.

I gave up on your Teams hearings. Too tedious, and ugly.

Regards,

Chris Mechels

505-982-7144

1336 Bishops Lodge Rd.

Santa Fe, NM

Comment-238 *Submission Portal · Aug 4, 2026, 9:29 PM*

Mario
Law Enforcement
DataCollection Requestor-DataBroker Requestor-SocialMedia

I am writing to the NM IPRA Task Force to voice some of my Department's concerns when working on IPRA requests. Before I begin, I would like to introduce myself. My name is Mario, I work for a Police Department in NM I have been employed in said Department for the past 10 years. I can attest that the number of IPRAs we are receiving nowadays far exceed the number of IPRAs when I first started working at the Police Department. Between 2016 to 2022, it would be uncommon for my Department to receive an IPRA request. Around 2022 my Department started to receive an influx of IPRAs.

I had attended the IPRA Task Force Meeting on June 23, 2026, and several agencies voiced the same concerns my Department is facing. In addition, their comments at no point asked for the complete restriction of records as several members of the audience feared. I do not believe that our governments should outright deny the public of their inherent right to keep their government in check. I am a firm believer that citizens should have the right to know what their government is doing, and how their government is using their taxpayer money. Citizens should have the inherent right to obtain records pertaining to ordinances, future government projects, city budget/procurement, and any record that will directly affect their personal livelihood and taxes. Furthermore, I am staunch believer that citizens should have access to records involving a government employee OR elected politician, especially if it pertains to matters of potential or actual misconduct. Those records should be made available with no hesitation to the public. Although I am an advocate for open, transparent government, I am not an advocate of invading an individual's privacy if they are not charged with a crime, especially victims. I do not feel it would be appropriate for a neighbor to request all the records a police department has on their neighbor's address. I, however, do feel that records involving police misconduct, allegations of excessive use of force, criminal activities, should be opened to the public and that those records be readily available.

I feel that our statute needs to be reviewed and potentially revised as I feel it currently leaves a lot of items to individual interpretation. The perceived broadness causes frustration to me, my staff and my Department as there is no clear guidance. My staff had attended an IPRA meeting in Santa Fe, in hopes that we could get clarification and guidance on how to effectively and efficiently complete IPRA requests. Unfortunately, they left with more questions as they were advised that we would need to consult our legal team. This unfortunately led me to believe that perhaps our State's IPRA statute allows anyone to interpret the statute as they feel best fits their needs.

Another issue we are encountering with IPRA is individuals requesting body camera footage enmasse. Their purpose, I feel, is not to educate the public but rather post it on applications for the purpose of monetization/solicitation. In other words, they are profiting off of public records. Our state statute currently prohibits medical and legal professional from obtaining records for the purpose of soliciting. The statute only covers

those two professions, anyone else such as a body shop can request those records for the purpose of soliciting. I recall that about a year or two ago, HB283 was introduced in the 2025 Regular Session. HB283 proposed changes to our IPRA as it Law Enforcement Records as it would prohibit the commercialization of public records and impose a fee on requestors. The bill was never enacted and eventually died.

On the topic of the aforementioned individuals, many of them provide fictitious names, addresses, and phone numbers in their requests. They have become sophisticated and use burner phones and emails that cannot be easily tracked. The addresses listed on their requests are empty lots in California, North Carolina, Virginia, to name a few. I am a firm believer that providing an email address is NOT the same as a mailing/physical address. These individuals wish to maintain their privacy while stomping on the privacy of the individuals in the footage. A potential remedy would be to request an identification from the requestor at least for police records. As I see it, if our State does not afford privacy to those involved but not charged with a crime (especially if the case is closed), the requestor should not have an expectation of privacy. The requestor's IPRA request shall also be opened to the public in the event that the requestor harasses those involved, or needs to seek civil remedies.

Having mentioned my concerns, I may suggest the Task Force to review other states' legislation. I had reviewed Colorado Open Records Act (CORA) and found that Colorado makes a distinction between government records and Criminal Justice Records (CCJRA). Upon reading their law, I found that it is concise, and leave little to interpretation. Their CCJRA outlines the exact procedures their custodians must follow as well as mandating the redaction of certain elements. Our Statute lacks these similar procedures and guidance. Although our State has a Section dedicated to Law Enforcement Records, it dwarfs in comparison with CCJRA. Colorado's Statutes let custodians know what to do with juvenile records, records pertaining to sex assaults, and among others. Adopting a legislation similar to CCJRA may help provide at least some relief to custodians working with Criminal Justice Records as well as protecting the privacy of victims and those involved but not charged.

Comment-239 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Amanda Shultz — Record Specialist, New Mexico Corrections Department
General Government
Sensitive-Juvenile Statute-ExemptionConsistency

Comment-240 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Elena Rubinfeld — Legal Director, New Mexico Coalition of Sexual Assault Programs
Advocacy Group
Sensitive-Juvenile Statute-ChildrensCode

Comment-241 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Carla Martinez — CFO, City of Albuquerque
General Government
Sensitive-Victims Requestor-OutOfState Requestor-SocialMedia Fees-ByType
Enforcement-NoticeCure Resource-Ombudsman Statute-Burdensome

Comment-242 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Christopher Peck — Deputy City Clerk, City of Albuquerque
General Government
Staffing-Burnout | Sensitive-Victims | Requestor-ExploitWomen

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Comment-243 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Melanie Majors — Former Executive Director, New Mexico Foundation for Open Government
Advocacy Group
RecordAccess-Strengthen | ProactiveTransparency | Fees-Recoupment

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Comment-244 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Douglas Michel
General Public
ProactiveTransparency | Staffing-ProfessionalStandards | DataCollection | Statute-Burdensome

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Comment-245 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Joe Cardillo — Deputy Director, ProgressNow New Mexico
Advocacy Group
RecordAccess-Strengthen | RecordAccess-Accountability | RecSys-Requests | Staffing-Budget | Requestor-DataBroker

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Comment-246 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Matt Grubs — News Director, KOB 4
Media
Requestor-JournalistCriteria | Statute-Burdensome

Comment-247 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Karen Wentworth — Co-Vice President, League of Women Voters of Central New Mexico
Advocacy Group
RecordAccess-Strengthen | EntityCoverage

Attachments (1):
Albuquerque Meeting_League of Women Voters of Central NM.pdf

Comment-248 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Josh Rubin — City Attorney, City of Rio Rancho
General Government
Redaction-Privacy

Comment-249 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Noel Davis — City Clerk, City of Rio Rancho
General Government
RecSys-RedactionTech | Staffing-Workload | Staffing-Budget | Requestor-DataBroker | Requestor-SocialMedia | Fees-Recoupment | Fees-AfterThreshold

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Comment-250 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Alexandra Smith — Private Attorney
Private Law Practice
RecordAccess-Strengthen | RecordAccess-Accountability | DataCollection

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Comment-251 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Michel Rivera Ramirez — Deputy General Counsel, New Mexico Corrections Department
General Government
Staffing-Budget | Staffing-ProfessionalStandards | Statute-Burdensome

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Comment-252 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Sarah Azibo — Burque Beat
Media
Fees-Recoupment | DelayedProduction

Comment-253 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Peter St. Cyr — Journalist
Media
RecordAccess-Strengthen | RecordAccess-Accountability | Enforcement-LackOf

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Comment-254 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Joan Waters — Private Attorney
Private Law Practice
Staffing-Burnout | Staffing-Budget | Staffing-ProfessionalStandards

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Comment-255 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Melissa Arellano — Records Custodian, Albuquerque Public Schools
Education
Staffing-Budget | Statute-ExemptionConsistency

Comment-256 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Tracy Goldizen — Editor, Rio Rancho Observer
Media
Statute-Burdensome

Comment-257 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Levi Monagle — Private Attorney
Private Law Practice
Requestor-Vexatious Enforcement-Mediation Resource-Ombudsman

Comment-258 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Kevin Graham — Chief General Counsel, New Mexico Regulation & Licensing Department
General Government
ProactiveTransparency Requestor-Vexatious Requestor-Vexatious Requestor-Impede
Enforcement-Damages

Comment-259 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Cassandra Brulotte — General Counsel, Office of Broadband Access and Expansion
General Government
Redaction-Privacy Sensitive-Infrastructure

Comment-260 *Public Remarks - Albuquerque Meeting · Aug 5, 2026*

Jana Holguin
General Public
Enforcement-LackOf DelayedProduction Statute-Burdensome

Comment-261 *Written Comment - Albuquerque Meeting · Aug 5, 2026*

Margery Albillar
General Public
RecordAccess-Strengthen Staffing-ProfessionalStandards Enforcement-LackOf

Good afternoon. My name is Margery Albillar.

Before becoming an IPRA requester and litigant, I spent eighteen years supporting New Mexico's Income Support Division computer systems, including the Food Stamp and Medicaid eligibility programs. My work required attention to detail, solving complex problems, and knowing where to find answers.

That experience also gave me tremendous respect for records custodians. I understand that responding to public records requests can be challenging, especially within large organizations with aging information systems. However, I have repeatedly observed that many public bodies assign IPRA responsibilities to employees who receive little training and are expected to perform those duties in addition to their regular jobs. Records management is a specialized profession that deserves proper training and support.

I did not choose to become a pro se litigant. Before representing myself, I made repeated efforts to obtain legal counsel. Some attorneys expressed concerns about suing the First Judicial District Court because they regularly practiced there. Others were unwilling to pursue claims against the New Mexico Disciplinary Board because of the professional consequences they believed could follow. When no attorney was willing to take those cases, representing myself became my only option.

Over the past several years, I have devoted thousands of hours to studying New Mexico law, submitting Inspection of Public Records Act requests, reviewing court records, and comparing what public bodies claim with what their own records reveal.

I have personally litigated two IPRA lawsuits and, through counsel, pursued four more. Three of those cases settled, yet I still have not received every record I originally requested. That experience demonstrates that settling an IPRA lawsuit does not necessarily resolve the underlying transparency problems.

Over the years, I have submitted hundreds of IPRA requests, participated in public meetings, reviewed proposed legislation, analyzed reports, and submitted comments in an effort to improve New Mexico's public records laws for everyone, not just for myself.

Having worked on one side of government information systems and now standing on the other as a citizen requesting records, I have seen this issue from both perspectives. What I have learned is that persistence is often met with resistance, and citizens who continue asking difficult questions are sometimes portrayed as the problem rather than the deficiencies their requests expose.

My hope is that this Task Force will recommend meaningful reforms so that future citizens do not have to spend years in litigation simply to obtain records that the law already says belong to the public.

Thank you.

Comment-262 *Written Comment - Albuquerque Meeting · Aug 5, 2026*

Marcelina Martinez
General Public
RecordAccess-Strengthen ProactiveTransparency

My name is Marcelina Martinez and I am a member of the public who regularly uses IPRA to understand what is happening in our government in order to educate my community.

I would like to state that I feel it is a great idea for public agencies to have a website with information, particularly records that are repeatedly requested. However, those websites should be properly maintained and updated. I always conduct searches on governmental websites before submitting IPRA requests but the information is rarely available. Moreover, websites contain incomplete information.

I make regular requests to the Regulation and Licensing Division, particularly to determine prior disciplinary complaints or actions against licensed individuals and companies. What I have noticed is that the information available online does not conform with the information I receive. For example, there is a single page with a list of realtor disciplinary actions, and not comprehensive by any measure. If a prospective client wants to know whether they can trust a licensed individual, they require IPRA to provide comprehensive details because the current RLD website is seriously lacking.

Additionally, the website currently shows the incorrect status of a realtor who had two licenses permanently revoked for discipline. That realtor managed to obtain two new licenses while under investigation. When the disciplinary order was released, the commission noted that the realtor had two licenses and not just

one, yet he actually had four – including the two obtained during the investigation. This indicates that the right hand doesn't know what the left hand is doing. Additionally, the RLD website previously showed the correct status of the two revoked licenses but now shows "expired – non-renewable". There is no way for the public to know, based on a search of the website, that this realtor had his licenses permanently revoked for discipline. Note: this realtor continues to operate under the trade name attached to the revoked license. He managed to designate one of his new licenses to be the "designated broker" for his old brokerage. This would not have been discovered if I relied on the public facing website.

As long as state agency websites are not accurate or properly maintained then no modification of the law will assist the public in understanding what is happening in our government – If it weren't for IPRA as it stands today, the public would never know that it is even possible for a realtor to "game" the system in this way. Thank you

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Comment-263 *Email · Aug 5, 2026, 9:15 AM*

Jason Clack — General Counsel, New Mexico Department of Information Technology
General Government
Statute-ExemptionConsistency

Good morning,

I would like to submit the attached public comment for the NMDOJ IPRA Task Force's consideration. I acknowledge that the New Mexico Department of Justice may share this information with relevant third parties or in published materials.

Thank you,

Jason L. Clack
(he/him/his)
General Counsel
Mobile: 505-500-9291
https://www.doit.nm.gov/

Attachments (1):
IPRA Task Force Comment Digital Communications Records.pdf

Comment-264 *Submission Portal · Aug 5, 2026, 11:45 AM*

Virginia Necochea — Executive Director, New Mexico Environmental Law Center
Advocacy Group
ProactiveTransparency

August 5, 2026

Department of Justice
IPRA Task Force
Via Comment Portal

Re: Comments on the implementation of the New Mexico Inspection of Public Records Act

To the Members of the IPRA Task Force:

On behalf of the New Mexico Environmental Law Center, please accept the following comments on the state's implementation of the Inspection of Public Records Act, NMSA 1978 §§ 14-2-1 et seq., (hereinafter "IPRA").

The New Mexico Environmental Law Center ("NMELC") is New Mexico's only nonprofit environmental justice law center, whose mission is to work alongside New Mexico's communities to protect their air, land and water in the fight for environmental justice. NMELC has worked alongside and represented frontline and fenceline communities across the state of New Mexico who bear the disproportionate and adverse impacts of extractive and polluting industries. It is in service of these communities that NMELC frequently relies on IPRA in order to obtain information that, while public, is often withheld as many state and local agencies do not readily provide documents members of the public are entitled to.

NMELC understands, and often faces the impacts of, the extreme burden agencies are under to comply with IPRA. Frequently, in NMELC's experience, when asking an agency or entity, like the New Mexico Environment Department or the City of Albuquerque Environmental Health Department, for a document that should be publicly available – like a draft permit, or departmental analysis – NMELC is told, simply, to "IPRA" the document, rather than readily release what should already be public. The solution to this burden, it seems, is quite simple. Were these agencies to post public information online in the first instance, the burden of responding to requests would be drastically reduced.

NMELC urges the Taskforce to understand that the overwhelming burden agencies and public entities face when complying with IPRA is not the fault of the law itself – New Mexicans need transparent government processes – the problem lies in the fact that agencies err on the side of withholding information that is intended to be public. If public entities, agencies and offices upheld the principles for which IPRA is intended – ensuring that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees by making information public in the first instance – their burden would be significantly lessened.

Respectfully submitted,

Dr. Virginia Necochea
Executive Director

Eric Jantz
Legal Director

Maslyn Locke
Senior Staff Attorney

Comment-265 *Email · Aug 5, 2026, 12:31 PM*

Berl Brechner
General Public
Fees-Recoupment | Enforcement-Damages | Enforcement-Mediation | Resource-Ombudsman

August 5, 2026

To: IPRA Task Force, individually to Commission members, and for the record

Dear Chair and Members,

I spoke briefly at Santa Fe's meeting yesterday, and noted, among other things, that FOIA concepts or mod-

ifications summarized in 13-pages were gathered at a Sunshine Fest three-day event in Washington DC last spring, and that I would share them with you. That event and a recap, with over 200 attendees from the U.S. and several other countries is described here: https://sunshineweek.org/sunshine-fest-2026-recap/

The 13-page document "Big Ideas in Freedom of Information", which I said I would share with the Task Force, is linked in the recap, and is also attached. I hope you will consider reviewing it. David Cullier, a professor at the College of Journalism and Communications at University of Florida, organized the Washington event and assembled the "Big Ideas" document. He is director of the College's Joseph L. Brechner Freedom of Information Project, and has deep and long roots and experience in open records and freedom of information matters.

Professor Cullier adds several comments in a note to me, on critical thoughts for your Task Force to consider, Note, in relation to item 1, and Connecticut's Commission, that he offers to use University grant funds to fly representative(s) of the Connecticut Commission to New Mexico to share first-hand their program and experiences with it.

1. Independent enforcement mechanisms that can save average people and government agencies money and time through reduced litigation. Great models include the Connecticut Freedom of Information Commission and Ohio Court of Claims (see study at https://journals.flvc.org/civic/article/view/140505/145597). The Connecticut commission has the authority to intervene on behalf of agencies when they are burdened by vexatious requesters – a benefit to the government. They also help requesters when agencies don't follow the law. The key is independence from the executive branch.

2. Penalties and fee shifting. The most transparent states are those with reasonable outcomes in the case of illegal denials. Mandatory attorney fee-shifting is important, as well as financial penalties, as in Washington state (up to $100 per day per record that they were not compliant with the law). Without those provisions, many agencies do not take the law seriously.

3. Mandatory fee waivers for non-commercial requests. Copy/search fees are abuseCd throughout the country. While commercial requesters are often fine with paying fees, most average people cannot afford the fees that are being increasingly levied. Even better law is limiting fees to the actual materials (e.g., paper/toner, about 1-5 cents per page).

These are big lifts to get through the Legislature – cities and others will fight. But the independent commission has benefits for both requesters and agencies, and has been utilized effectively in more than 50 nations. We have funds left over from a grant that we could spend to fly out the Connecticut FOI Commission people to testify, if the folks in New Mexico would like to hear it first-hand.

I hope this email will be passed to Commissioners individually for their review, as well as placed into the record of the Commission.

Thank you for your consideration.

Respectfully,
Berl Brechner
664 Camino del Monte Sol
Santa Fe, NM 87505

Attachments (1):
Big-Ideas-in-FOI-March-2026.docx

Comment-266

Submission Portal · Aug 5, 2026, 1:20 PM

Anonymous
General Public
RecordAccess-Strengthen Enforcement-LackOf

Good afternoon. I have been following your IPRA task force meeting and really appreciate what you do. I am a part of a watch dog group in Farmington NM. While submitting record requests with Farmington NM within the last year. I have had records. 1) illegally denied. 2) when I show up in person to inspect public records in a public lobby I am told I cannot record public records. New Mexico foundation for open government had to force the city of Farmington to comply with the law threatening sanctions.

Comment-267

Submission Portal · Aug 5, 2026, 2:01 PM

Nicholas Gilmore — Reporter, Santa Fe New Mexican
Media
RecordAccess-Strengthen Enforcement-LackOf DelayedProduction Statute-Burdensome

My name is Nicholas Gilmore, and I am a reporter at the Santa Fe New Mexican. As someone whose job relies upon access to public records, I urge this task force against recommending any sort of changes that would in any way weaken the Inspection of Public Records Act. In order to ensure public access to records — which is the foundation of open government and our democracy — we should be equipping government agencies to expand public access to records by ensuring they have the staff and resources to come into compliance with the law.

As it stands, I struggle daily to get records from all kinds of agencies across state and local government, and I have regularly faced delays of weeks and months waiting for what are often brief police reports, or simple documents with minimal redactions. Time and again I have seen plenty of state agencies and local governments, including the state Department of Public Safety and the city of Santa Fe, flout the law, push back their promised deadlines for simple record requests month after month, and deem requests for single reports or documents "broad and/or burdensome." As of today, Aug. 5, 2026, the following requests are outstanding:

- From Department of Public Safety - an annual report on high-speed pursuits by New Mexico State Police and a list of high-speed pursuits that took place last year, 4 months and 3 days
- From DPS - any annual reports compiled by New Mexico State Police in the last five years, 4 months and 3 days
- From DPS - Reports from a state police investigation into a police shooting in April in Santa Fe, 3 months 10 days
- From DPS - any tort claims filed against the agency so far this year, 1 month 13 days
- From the city of Santa Fe, police reports concerning a death in the city, 1 month 19 days
- From the city of Santa Fe, five months worth of use of force reports from the police department, 1 month and 7 days

Many of these outstanding requests have been seemingly abandoned by records custodians who have blown the agency's own deadlines for producing records without providing any sort of indication that they are still

working on the request. For certain agencies, such as the Department of Public Safety, I find that I have to follow up on every single request several times over weeks and months just to have any chance of getting any records in response to a request. In spite of submitting a handful of requests to the Department of Public Safety in recent months, mostly for police reports and other documents, I have not received any records from the agency since May, nor any indication that they are working to fulfill several outstanding requests that are past due.

I have appealed to the Department of Justice for enforcement of IPRA, and, in response to some of these complaints, the AG's staff has sometimes investigated and issued a letter after several months telling the offending agency or local government to comply with the law, prompting them to provide records for that particular request after another week or two. Afterward, the process begins all over again. Non-compliance with IPRA is the norm, and the public suffers from being shut out from government records. I find myself having to follow up several times with custodians on most record requests I submit before I can get any response, and then I must follow up again after the response they provide is not complete. There aren't enough hours in the day for me to submit a DOJ complaint or file a lawsuit for every instance of non-compliance with IPRA that I experience.

In addition to the blatant, routine non-compliance at many agencies, others regularly ignore the statute's requirement to provide records "immediately or as soon as is practicable under the circumstances" and delay the production of records to the legal limit of 15 days for every single request. As a result, the public is forced to wait several weeks at a minimum to inspect reports or other types of records that are required by law to be produced immediately.

Compliance with public records law is simply not a priority or even taken seriously by many of our government agencies and local governments, and the public suffers from a lack of access to its own records. I think some of these problems could be addressed with investments in public records departments or some sort of directive or funding to ensure agencies and local governments come into compliance with the law. More staffing, better training – agencies should be staffed with record clerks who are trained and encouraged to champion government transparency instead of those who are unfamiliar with the law or seek to enforce government secrecy or question the intentions of requesters — as some records staff members have expressed to this task force.

I urge this task force not to consider recommending any measures that would weaken our public records law or restrict public access to records even more, including new fees, restrictions on requesters, more exemptions to IPRA or any sort of language that gives agencies the ability to limit or choose which kinds of requests or requesters are valid. We must protect our open government laws, and steer records custodians to compliance with the existing law.

Comment-268 *Submission Portal · Aug 5, 2026, 2:52 PM*

Alyssa Quijano
Private Law Practice

RecordAccess-Strengthen RecSys-Storage Staffing-ProfessionalStandards

Over the course of my career, I have become intimately familiar with the difficulties in obtaining public records from government agencies across New Mexico. I have been an attorney for eight (8) years, and was a law clerk for two (2) years and a paralegal for four (4) years prior to becoming an attorney. In all of my roles, I have submitted requests under the Inspection of Public Records Act (IPRA) to government agencies throughout the State of New Mexico.

Routinely, requests are denied based on a misunderstanding of the exceptions under IPRA. In particular, police agencies frequently refuse to produce records where incidents are in "ongoing investigations." However, the New Mexico Supreme Court has squarely addressed this issue and made clear that the existence of an ongoing investigation is not a legitimate justification for withholding records from the public. Much of the IPRA litigation I have pursued has been a result of IPRA custodian's failure to understand the exceptions identified in IPRA and illegally withholding public records. This lack of training results in hundreds of thousands of dollars in litigation; both attorneys' fees and damages.

I understand the increase in the number of requests has placed additional strain on the government employees who are responsible for producing public records. However, it is the obligation of the government to meet those needs. The solution to meeting the needs of the public should not fall on the shoulders of the citizens. The solution to meeting the demands of increased need lies in modernization and funding. There is no need to amend IPRA to accomplish these goals or bring IPRA response into the 21st century. Digitization, prioritization of electronic records, and increased funding to IPRA departments throughout the state solve the concerns of government agencies about their inability to fulfill their obligations and keep up with request rates.

Based on my experience, there is a clear divide between agencies who prioritize production and those who prioritize exception. When IPRA custodians view their obligations under IPRA by prioritizing production of as many public documents as possible, departments appear to have no difficulty responding to requests within the time frame required by IPRA. For example, the County of Otero is routinely able to produce responsive public records within fifteen days, but often within a day or two. Conversely, the City of Albuquerque (which touts having the largest IPRA staff in the state, and has far more resources than many agencies throughout New Mexico) spends a huge amount of resources identifying which exceptions should apply to public documents to avoid production. In fact, the City of Albuquerque has spent thousands of dollars retaining an out-of-state contractor to improperly redact police body-worn camera footage to avoid production. In a case where the City retained those services, the improperly redacted videos were ultimately produced to the requestor and the City paid a quarter of a million dollars in settlement, plus attorneys' fees paid to a private law firm it retained to defend it in the lawsuit. Still, the City of Albuquerque identifies all requests as unduly burdensome, urges citizens to narrow their requests to minimize production, and pushes requestors to agree to partial production as sufficient. The City of Albuquerque's backlog is a direct result of operating an exception-driven IPRA department.

There has also been an increase in departments advocating for exclusion of records under exceptions that either do not exist or are clearly inapplicable to the requested documents. For example, the New Mexico Corrections Department (NMCD) argued for years to exclude documents it deemed confidential that would not otherwise be excluded under law based on its own internal policies designating those documents as confidential. This effort was finally thwarted by the New Mexico Supreme Court only weeks ago. In its opin-

ion, the Court explained the error of NMCD's approach. The Department's attempt caused years of delay in requests, and accumulated enormous litigation costs to defend this position. Instead, those resources could have been allocated to appropriately responding to requests. Expending taxpayer dollars to hide information from the citizens is not how we maintain a democracy.

The IPRA statute as it exists is workable. The way government agencies implement IPRA is not. Records custodians have an obligation to produce records and run their departments in a way that complies with IPRA and prioritizes transparency. Amending IPRA will only create barriers to enforcement and reduce transparency, a right New Mexicans hold dear.

Comment-269 *Submission Portal · Aug 5, 2026, 2:59 PM*

Weems Law LLC — Weems Law LLC
Private Law Practice

RecordAccess-Strengthen RecordAccess-Accountability ProactiveTransparency Staffing-ProfessionalStandards Redaction-Standards Enforcement-Damages Enforcement-NoticeCure

Weems Law LLC submits this comment in response to the Task Force's request for stakeholder input under House Joint Memorial 2. We are a plaintiff-side civil litigation firm in Albuquerque. We represent injured people, families of people who have died in the custody or care of public institutions, employees who have been harassed or discriminated against, and patients harmed by medical negligence. We are frequent users of the Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12, and we write because the record before this Task Force appears, to date, to be dominated by the people who answer requests rather than the people who make them.

We do not doubt that records custodians are overburdened. We dispute the inference being drawn from that fact. The problem this Task Force was asked to study is not that New Mexicans have too much access to their government's records. It is that public bodies have not been given — and in some instances have not sought — the staffing, systems, and training required to meet obligations the Legislature imposed in 1978 and has left substantially intact since. The answer to an underfunded compliance function is to fund it. It is not to reduce the public's rights until they fit the existing budget.

I. IPRA is a civil justice statute, not merely a press statute.

Public discussion of IPRA often proceeds as though the statute exists for journalists. It does, and that matters. But in our practice IPRA is frequently the only mechanism by which an ordinary person can learn what happened to her, or to someone she loved. Three illustrations from our own files:

Deaths and injuries in county custody. When a person is hurt or dies inside a detention center, the surveillance video, the incident reports, and the medical contractor's records are held exclusively by the government and its vendors. There is no alternative source. In one such matter our firm was required to file suit under Section 14-2-12 to obtain cell surveillance video that a county had simply never produced. Absent IPRA, the family of a person who dies in a cell has no way to find out how.

Survivors seeking the investigative file in their own cases. We represent a sexual assault survivor whose IPRA request to a municipality for the incident report, CAD records, lapel and surveillance video, and witness statements in her own case produced not a single page. The public body invoked Section 14-2-10, asserted no statutory exception, and advised that it reviews approximately 100 emails or 25 minutes of video per request every ten weeks. On that schedule, a request encompassing a few hours of footage is answered in

years. We raise this not to litigate that dispute here, but because it illustrates the central point: the tools this Task Force is being urged to expand are already being used to convert delay into functional denial.

Public money paid to private vendors. Counties contract out jail medical care. When that care fails, the contract, the solicitation, the scoring, and the procurement file are the only route to understanding how the vendor was chosen and what it was obligated to do. Those are public records concerning public dollars, and they are routinely resisted on the theory that the vendor is private.

We would add a point that custodians are unlikely to make on their own behalf: IPRA prevents litigation at least as often as it generates it. Records allow us to evaluate a case before filing. We have declined representation — and told families we could not help them — because the records showed the government did nothing wrong. Each of those is a lawsuit that was never filed. Narrow IPRA and that screening function disappears; what replaces it is a complaint followed by a discovery fight, at considerably greater public expense.

II. Comments on specific proposals before the Task Force.

A. Pre-suit notice and cure.

We understand that a notice-and-cure requirement is under discussion, modeled on legislation that failed in 2025. IPRA already contains a cure period. Section 14-2-8(D) affords the custodian fifteen days and requires a written explanation within three business days if inspection is not permitted; Section 14-2-10 permits additional reasonable time on written notice. A requester who sues has, by definition, already given the public body its statutory opportunity and been met with silence or refusal. Layering a second, extra-statutory notice period atop that accomplishes one thing reliably: it postpones relief and shifts the cost of the agency's noncompliance onto the person the agency failed.

If the Task Force nonetheless recommends such a provision, we urge at minimum that it (i) not toll, reduce, or offset damages that accrued before notice; (ii) not apply where the public body has issued a written denial or allowed the statutory deadline to pass without a written extension; (iii) be brief and self-executing, with a date certain; and (iv) not condition the fee award on compliance with it. Absent those limits, notice and cure operates as a discount on violating the statute.

The variant suggested at the Albuquerque meeting — that a requester appear before the governing body, such as a county commission, to report that a deadline was missed — should be rejected outright. It asks the person wronged to petition the entity that wronged her, in public and on the record, before she may go to court. For our clients that is not a remedy but a deterrent, and in matters involving sexual assault, in-custody death, or pending litigation against that same body, an untenable one.

B. Extended deadlines and a redefined "burdensome" standard.

Proposals to extend the fifteen-day period, to allow law enforcement agencies forty-five days from becoming aware of a crime, or to define a broad and burdensome request as one requiring more than three hours of work would each substantially contract the right of access. The three-hour threshold in particular would swallow the rule. In an era of body-worn cameras and institutional email, nearly every meaningful request exceeds three hours.

The genuine defect in Section 14-2-10 is the opposite of the one being described. The statute permits an extension of reasonable duration but does not require the custodian to commit to a date, and supplies no outer limit. That is what permits the indefinite hold described above. We recommend amending Section 14-2-10 to require that any extension state a date certain by which production will be complete, and to cap the aggregate extension absent a court order on a showing of good cause.

C. Fee shifting and damages.

Mandatory fee shifting under Section 14-2-12 is not a windfall provision. It is the enforcement mechanism. No wrongful death client of ours could fund an IPRA suit out of pocket, and none should have to in order to obtain a record the law already says is hers. A fee award issues only when the public body has lost — which is to say, only when it violated the statute. Weakening fee recovery would not reduce the number of IPRA disputes. It would reduce the number ever brought, which is a different thing, and would leave compliance to the discretion of the entity being asked to comply.

The same holds for per diem damages. They are frequently the only cost a public body ever internalizes for ignoring a request. Capping or reducing them removes the last incentive to answer on time.

D. Requester conduct and bad-faith screening.

We have heard the concern that the 1978 Legislature assumed good faith and that some requesters do not act in good faith. Section 14-2-8(C) provides that no person requesting records shall be required to state the reason for inspecting them, and that provision does important work. Any regime that sorts requesters by motive necessarily vests the custodian with discretion to decide whose curiosity is legitimate — and the requesters most likely to be found illegitimate are precisely those the agency finds inconvenient: the gadfly, the reporter, the plaintiff's lawyer, the person suing the agency. A survivor, a journalist, and a crank are entitled to the same record. A statute that says otherwise has stopped being a transparency law.

If single-requester volume is imposing real costs, it can be addressed through mechanisms neutral as to identity and purpose — queuing, rolling production, reasonable sequencing — rather than through provisions conditioning access on the custodian's assessment of the requester.

E. Expanded exceptions.

Section 14-2-1 already enumerates numerous categories of exception, and Section 14-2-1.2 addresses law enforcement records specifically. The custodian bears the burden of justifying withholding, and our appellate courts have repeatedly declined to read new exceptions into the Act. That the case law has trended toward disclosure is not evidence the framework is broken. It is evidence that it functions as designed, and that the disputes reaching our courts have largely involved withholding that could not be justified.

III. Recommendations.

We respectfully offer the following, which address the burdens custodians have described without contracting the public's rights:

1. Fund the function. Recommend a dedicated appropriation for records custodian staffing and for redaction technology. The dominant cost driver in modern IPRA compliance is video redaction, which is a tooling and staffing problem with a purchasable solution.

2. Collect data before legislating. The Task Force has heard a great deal of anecdote and, so far as we can tell, very little measurement. Before recommending substantive amendment, we urge the Task Force to gather actual figures on request volume, response times, staffing levels, cost per request, and the composition of the requester population. The premise that bad-faith requesters drive the burden is testable, and it should be tested.

3. Mandatory custodian training and certification, building on the compliance guidance the Department of Justice already publishes.

4. Affirmative disclosure of high-volume categories. Requiring public bodies to post contracts, procurement files, budgets, settlement agreements, and policy manuals would eliminate a meaningful share of requests at the source. This is the most effective burden-reduction measure available, and it costs the public nothing in access.
5. Date-certain extensions with an outer limit, as described in Part II.B above.
6. Standardized withholding logs. Requiring a custodian who withholds or redacts to identify the record, the exception claimed, and the basis for it would allow requesters to evaluate a withholding without filing suit — again, a litigation-reduction measure.
7. Real consequences for missed deadlines and improper redaction, rather than diminished ones.

IV. Conclusion.

New Mexico's public records law is among the stronger ones in the country, and it is strong in precisely the ways that matter to people without institutional power: broad standing, no purpose requirement, the burden of justification on the government, and a fee provision that renders the right enforceable. Each of those four features is now the subject of a proposal to weaken it. We ask the Task Force to consider what they have in common. They are the features that make IPRA available to an ordinary New Mexican rather than only to an institution with a legal department.

IPRA is not the problem. Noncompliance is, and it is a solvable problem that has not yet been seriously funded.

We appreciate the Task Force's work and would welcome the opportunity to provide additional detail, including documentation of the matters described above, or to testify at any future meeting.

Respectfully submitted,

WEEMS LAW LLC

Comment-270 *Submission Portal · Aug 5, 2026, 3:02 PM*

Danielle Smiles
General Public
RecordAccess-Strengthen RecordAccess-Accountability Requestor-DataBroker Fees-ByType

I am deeply grateful for the folks working for our local government that assist in IPRA requests. The ability to receive public records has helped SO many people. Please keep this public resource available. Please continue to protect the public's right to access government records and hold officials accountable.

I encourage the Task Force to consider reforms specifically aimed at high-volume commercial requestors. If a company is requesting thousands of records to compile databases for resale, data aggregation, or advertising revenue or other profit-driven purposes unrelated to oversight, journalism, academic research, or the enforcement of legal rights. It is reasonable to require those entities to bear a greater share of the costs associated with processing those requests. IPRA was enacted to create an informed electorate, not to provide free raw material for commercial data mining.

IPRA should not become more expensive for people seeking justice. Many of the most significant cases exposing government misconduct begin with an IPRA request. Public records have uncovered excessive force,

unsafe roads, dangerous jail conditions, negligent maintenance, and other government failures that otherwise would have remained hidden. Reforms should target those exploiting IPRA as a commercial business model, not those using it to hold government accountable or protect individual rights.

Comment-271 *Submission Portal · Aug 5, 2026, 3:19 PM*

Andrew Pavlides
Private Law Practice

RecordAccess-Strengthen Staffing-ProfessionalStandards Redaction-Errors

I am a civil rights attorney in Albuquerque, New Mexico who submits public records requests with frequency. I am intimately familiar with the government actors who maintain records and which of them consistently fail to produce records in accordance with IPRA. The solution is not to amend the statute. The solution is to fix the way our government serves its citizens.

Routinely, requests are denied on the basis that an IPRA exception shields the records sought from view, though more often than not, the exception invoked does not apply. For example, agencies regularly withhold records on the basis that an investigation is ongoing, though our Supreme Court clarified over six years ago that this is not a valid reason for the wholesale denial of an IPRA request. In instances like these, I am forced to pursue litigation to obtain illegally withheld records. Such litigation could be avoided if IPRA exceptions were properly invoked. Time and taxpayer money is spent on these lawsuits, when litigation could be avoided if the provisions of IPRA were properly invoked and understood by government actors. Of course, the above happens when records custodians bother to invoke an exception under the statute. Very often, custodians continually label a request "over broad and burdensome," in an effort to buy time, never invoking an exception (likely because they know none apply) or producing records until litigation is initiated and legal counsel retained.

Transparent government and the rise in citizens' requests for information creates real work for records custodians and those who staff their agencies. It is the government's responsibility to meet the moment, staff their agencies, and train their employees based on the number of requests they receive. The solution lies in investing in modern record keeping systems and adequate funding. These fixes put the onus of transparency on the government (where it belongs) and can be reached without amending the IPRA statute. Amending the statute shifts this burden to citizens and does nothing but limit access to the affairs of government to the people the government serves.

My experience has taught me which agencies prioritize timely production of records and working with citizens to meet their needs, and which would rather withhold records and roll the dice on whether costly litigation will ensue. Certain counties in New Mexico are able to quickly and easily produce records, many times in less time than the statute permits. Conversely, the New Mexico Department of Public Safety (which functions by statute as a custodian of public law enforcement records) and the City of Albuquerque (which has a huge IPRA staff and budget) cannot seem to ever comply with the statute, choosing instead to label every request they receive "over broad and burdensome." Both of these agencies routinely employ expensive civil defense firms to litigate IPRA cases, instead of properly invoking exceptions under the statute or timely producing records. The result is taxpayer money spent on expensive lawyers, rather than on the production of records to the citizens who fund their departments. Plainly, it is unacceptable.

The statue is workable, as demonstrated by the agencies across the state who seem to have no issue complying with its provisions. Amending the statute does nothing but reward the bad practices regularly employed by agencies who would rather withhold records than invest in their records departments and constrict the

right of citizens to access the affairs of their government.

Comment-272 *Submission Portal · Aug 5, 2026, 3:59 PM*

Thomas Newsome
General Public
RecSys-Storage RecSys-Digitization RecSys-Retention

THE "DUTY TO DOCUMEN" PRIOR TO DISCLOSURE

The duty to document" evidence of agency activities mandated by the Records Management Act is a necessary predicate to disclosure of those public records later requested under the Inspection of Public Records Act.

Compelled compliance with the Records Management Act will eliminate the "seven sisters of secrecy" universally used by the agencies to stifle scrutiny of their activities intended by the IPRA:

1. Requested records do "not exist," so they do not have to be "created" under the IPRA. NMSA 1978, §14-2-8(C). This excuse is obliterated by the agency "duty to document" all agency activities under the Records Management Act by creating "evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government or because of the informational and historical value of date contained therein." NMSA 1978, §14-3-2(G).
2. Requested records are "burdensome." NMSA 1978, §14-2-10. Agencies rarely even cite, let alone prove the statutory qualification that such excuse be "excessively" burdensome. As shown below, this excuse is eliminated immediately upon agency compliance with the management of agency records required by the Records Management Act.
3. Requested records are "broad." NMSA §14-2-10. Agencies rarely even cite, let alone prove the statutory qualification that such excuse be "excessively" broad. As shown below, this excuse is eliminated immediately upon agency compliance with the management of agency records required by the Records Management Act.
4. Requested records are not identified with "reasonable particularity." NMSA 1978, §14-2-8(C). As shown below, this excuse is eliminated immediately upon agency compliance with the management of agency records required by the Records Management Act.
5. Timely disclosure of requested records is not possible. NMSA 1978, §§14-2-8(D). As shown below, this excuse is eliminated immediately upon agency compliance with the management of agency records required by the Records Management Act.
6. The recipient custodian claims a lack of "responsibility" for requested records, but does not forward the request to another claimed custodian of the records, nor notify the requester stating the reason for the absence of the records from that person's custody or control, the records location, and the name and address of the custodian. NMSA 1978, §14-2-8(E). As shown below, this excuse is eliminated immediately upon agency compliance with the management of agency records required by the Records Management Act.
7. Requested records are not properly redacted prior to disclosure. NMSA 1978, §14-2-9(A). As shown below, this excuse is eliminated immediately upon agency compliance with the management of agency records required by the Records Management Act.

LIFTING THE SKIRTS OF THE "SEVEN SISTERS OF SECRECY"

The Records Management Act requires that each agency have a comprehensive "program" for the management of agency records. NMSA 1978, §14-3-6.

"It shall be the duty of the head of each state agency to … establish and maintain an active, continuing program for the economical and efficient management of the agency's records."

This statutory mandate is accomplished by preventing:

(a) failure to create public records "in pursuance of law or connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government or because of the informational and historical value of data contained therein," required by the Records Management Act, NMSA 1978, §14-3-2(G);
(b) failure to prepare a Manual of Recordkeeping Procedure, required by NMSA 1978, §14-3-23;
(c) failure to conduct a current Inventory to readily identify, locate, and retrieve agency records;
(d) failure to create agency-specific mission File Plans for the classification of agency records series by UNM offices and units to organize, store, retrieve, and dispose of those entities' records throughout their life cycle;
(e) failure to create Indexes and Finding Aids, including secondary and tertiary descriptors, to assist accessibility of records, required by 1.21.2.9(E) NMAC and 1.21.2.109 NMAC;
(f) failure to create agency-specific, unique "mission" Retention and Disposition Schedules, required by 1.21.2.112 NMAC;
(g) failure to create, utilize, and enforce agency-specific records management Policies and Procedures, required by 1.21.2.511 NMAC and 1.13.12.10(B)(5) NMAC;
(h) failure to identify, utilize, and enforce Standards and Best Practices for records management, required by 1.21.2.512 NMAC;
(i) failure of Defendant Roybal to attend basic, intermediate, and advanced records management Training from the New Mexico State Records Center and Archives (SRCA), and thereafter for Defendant Royal to create and provide a training program for all UNM staff on records management, required by 1.13.12.10(D–(E) NMAC;
(j) failure to conduct continuing, regular Surveys of the UNM Records Management Program, required by 1.21.2.120 NMAC;
(k) failure to annually seek and apply Budget funds for the creation, implementation, and perpetuation of a permanent, discrete program of agency records management, required by 1.21.2.326 NMAC, NMSA 1978, §6-3-7, and §6-3-19;
(l) failure to conduct continuing, regular Audits and Evaluations of the UNM Records Management Program, required by 1.21.2.415 NMAC;
(m) failure to seek, obtain, and utilize Information Technology for records management software applications, required and authorized as part of the agency's Annual Technology Plan under NMSA 1978, §9-27-6(E); solicitation of such existing software from commercial vendors, UNM's in-house Information Technologies Department, the New Mexico Department of Information Technology, and the National Archives and Records Administration under the Intergovernmental Cooperation Act of 1968, as amended, 42 U.S.C. §§4201-4233 and 31 U.S.C. §6505;
(n) lack of approved schedules. Failing to implement functional retention and disposition schedules for all record series created and maintained by UNM, leading to ad hoc and unlawful destruction of records;
(o) ineffective controls. Failing to establish effective and continuing controls over the creation, maintenance, and use of records, resulting in the absence, misfiling, loss, and unauthorized disposal of critical

public records;

(p) systematic delays and denials. Routinely delaying or improperly denying public records requests, which is a symptom of a disorganized and deficient records management "program";

(q) inadequate training. Failing to provide mandatory or adequate records management training to UNM staff, leading to systemic non-compliance with the agency's obligations to establish and maintain an active, continuing "program" of records management;

(r) technological deficiencies. Failing to maintain a functional electronic records management system, hindering the efficient retrieval and preservation of records.

THE NEED FOR UNIFORM RECORDS MANAGEMENT ACT PROCEDURES REQUIRED AS A CONDITION OF DISCLOSURE UNDER THE IPRA

A Corrective Action Plan is required in almost every case to accomplish these statutory mandates. IPRA should amended to make these Records Management Act remedies Standard Operating Procedure to foster disclosure:

Policy and procedure reform

- Creation of the "Manual of Recordkeeping Procedure" required by NMSA 1978, §14-3-23.
- Formalize a "Records Management "Program." Create and publish a formal records management "program" plan with Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) goals.
- Ensure Classification and Scheduling. Implementation of proper File Plans, file schemas, taxonomies and disposition schedules addressing both "housekeeping" records common to all state agencies, and UNM mission-specific records.
- Retention and Disposition. Clear, mandatory processes for the secure destruction of non-record materials and the permanent preservation of archival records.

Organizational structure and authority leadership

- Secure executive sponsorship. Ensure the program has visible executive-level support to guarantee sufficient resources and influence across UNM's hundreds of departments.
- Designated authority. Require Defendant Board of Regents, as agency head, to provide its designated Chief Records Officer with sufficient authority and direct access to top leadership to coordinate and oversee a comprehensive records management "program."
- Establish accountability. Appoint and empower Records Management Coordinators within each of UNM's departments to establish localized compliance.
- Resource allocation. Mandate a review of resource limitations and require the allocation of necessary budget, technology, and full-time personnel to support the reformed records management "program."
- Conduct regular evaluations. Establish a recurring process for evaluating and auditing the Records Management "program" to measure its effectiveness and identify areas for improvement.
- Mandate entrance and exit briefings. Require mandatory records management briefings for all incoming and outgoing employees and senior officials to ensure a smooth transition of responsibilities.

Training and culture

- Mandatory training. Implement a mandatory, recurring records management training program for all employees and contractors, from executives to entry-level staff, tailored to specific roles and covering legal requirements and new procedures, covering such topics as:

  - Identifying public versus personal records
  - Proper records handling, filing, and disposition
  - Protecting records from unauthorized access, alteration, or destruction
- Skills gap analysis. Require an analysis of staff capabilities and a plan for hiring and training personnel with the necessary records and information management expertise.
- Establish a communications network. Create an active communication network and chain of command to share records management guidance and program updates with all staff, especially between the Records Management Department and UNM organizational units.
- Define consequences. Clearly define and communicate the consequences for non-compliance with the records management "program" policies and procedures to reinforce accountability.

Technical and operational

- Centralize storage. Implement a centralized electronic record management system or secure depository to eliminate information silos in the hundreds of UNM organizational units and manage all records in a single location.
- Digitize records. Convert legacy physical records into digital formats to enhance accessibility, improve security, and reduce physical storage costs.

Response to failures

- Unauthorized disposition. Develop and disseminate procedures to mitigate and report unauthorized destruction, removal, or alteration of records and to the relevant oversight bodies — the UNM Records Management Department and the State Records Center and Archives.
- Incident reporting. Establish a formal incident management process for reporting, investigating, and tracking records management program non-conformities.
- Root cause analysis. For significant failures, perform a root cause analysis to understand the underlying reasons and implement targeted corrective actions to prevent recurrence.

Active, continuing "program" of agency records management

- Conducting an Inventory of agency records enabling UNM to promptly identify, locate, and retrieve agency records.
- Creating File Plans: Agency records series must be classified for ready storage and retrieval by the UNM Departments that utilize those records in the performance of their assigned duties.
- Creating Indexes and Finding Aids: The indexes and finding aids must include secondary and tertiary descriptors to assist accessibility of agency records.
- Creating UNM "Mission-Specific" Records Retention and Disposition Schedules: These Schedules are separate from, and in addition to, the "housekeeping records" common to all state agencies listed in the State Records Center and Archives Functional Records Retention and Disposition Schedule (FRRDS).
- Identification and utilization of Standards and Best Practices for Records Management that adopt those national, international, and professional standards and best practices commonly used in records management.
- Establishing Uniform Protocols for electronic and paper record retention and destruction.
- Conducting regular Internal Compliance Audits at specified intervals.

- Assessment and Auditing by an independent, third-party of UNM's current records management practices, including the records creation, maintenance, and retention and disposition life cycle.

- Oversight and Reporting of status reports at specified intervals to the Court and Plaintiff, detailing progress on the CAP. The Court should retain jurisdiction to monitor and enforce compliance.
- Appointment of an Independent Monitor or special master to oversee and report at specified intervals on Defendants' implementation of the CAP.

A mandatory injunction compelling Defendants to develop and implement, subject to court approval, a compliant Corrective Action Plan is necessary to secure:

(a) Retention Schedules for all UNM "mission-specific" records series.
(b) Inventory and disposition. An inventory of all UNM records, including UNM "mission-specific" records, followed by the systematic disposition of records in compliance with State Records Center and Archives "housekeeping" retention schedules for records that are common to all state agencies.
(c) Electronic records management. Mandatory development of policies and procedures for the management of electronic records management system (ERMS) addressing lifecycle management (creation, maintenance, and disposition), including email, social media, and databases in compliance with 1.13.3 NMAC.
(d) Documentation and audit trail. Require development of standardized templates and a clear audit trail for documenting all actions, decisions, and outcomes related to the Corrective Action Plan to demonstrate compliance.
(e) Continuous improvement. Include a provision for an ongoing management review process to ensure the new system is maintained, lessons learned are applied, and the program is continuously improved to prevent future non-compliance.

INFORMATIONAL INJURY INFLICTED BY IGNORING THE "DUTY TO DOCUMENT"

Besides their value as evidence, public records possess "informational value." NMSA 1978, §14-3-2(G).

Without a mandate for the "duty to document" as a predicate to disclosure later requested under the IPRA, the public's right to monitor the workings of government will forever be denied, delayed, and obstructed.

This outcome is challenged in NEWSOME V. BOARD OF REGENTS, ET AL; NO. D-202-CV-2026-02072 which the trial judge has currently taken "under advisement" in response to the University of New Mexico's motion to dismiss for failure to state a claim.

Comment-273 *Email · Aug 5, 2026, 4:01 PM*

Kevin Graham — Chief General Counsel, New Mexico Regulation & Licensing Department
General Government
ProactiveTransparency Requestor-Vexatious Requestor-Impede Enforcement-Damages

Please find attached the written comments I am submitting on behalf of the New Mexico Regulation & Licensing Department to the NMDOJ IPRA Task Force for its 8-5-2026 meeting.

I will be attending the meeting remotely via Teams and intend to make verbal comments as well, but given the 3-minute limit for public comments that I have seen at prior meetings, I would like the Task Force to have these written comments for their review/consideration as well.

Respectfully,

Kevin A. Graham | Chief General Counsel

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SERVICE | DEDICATION | INTEGRITY

Attachments (1):
RLD Public Comment for NMDOJ IPRA Task Force 8-5-2026.pdf

Comment-274 *Submission Portal · Aug 5, 2026, 5:52 PM*

Elise Kaplan
Media
RecordAccess-Strengthen RecordAccess-Accountability

I tried to join the meeting to provide public comment virtually but I was unable to. I would like to submit this as written comment instead. Thank you for reading.

I was a journalist for about a decade reporting on the Albuquerque Police Department during some of its most troubled years marred by a skyrocketing homicide rate and a number of disturbing shootings by police officers of mentally ill people. Now I work as an investigator for a law firm that takes on civil rights cases, including on behalf of families who have had a loved one die a horrific death behind bars.

Both jobs have entailed filing hundreds of public records requests. I have never filed these requests to bog down a system or for my own financial gain. Rather public records are the most valuable tool at getting at the truth of what happened, either for a news story or in order to get a measure of justice for those who were wronged by brutality within state systems.

Without New Mexico's strong records requests law, I would not have been able to report on controversial deliberations within APD brass about whether the shooting of a mentally ill man armed only with a nail file was within policy. Without New Mexico's strong records request law, the law firm I now work for would not have been able to get justice for a 74-year-old man who was shot with less lethal force in prison and then left in solitary until his leg had to be amputated due to a lack of treatment.

There are very few ways citizens can hold their government accountable and effect change outside of journalism and legal battles. And the backbone of these efforts is strong public records laws. I urge you to preserve the protections already within IPRA in order to ensure that the public and those who represent the public and work tirelessly on the behalf of all communities can do their work.

Comment-275 *Email · Aug 5, 2026, 6:20 PM*

Vanessa Alexander
General Public
RecordAccess-Strengthen RecordAccess-Accountability Enforcement-LackOf

In the event I am unable to comment online, I am submitting my comments to the Task Force in writing and request it be read into the record.

I respectfully requesting that my comment below be entered into today's Task Force record.

Good afternoon. My name is Vanessa Alexander, and I am an investigative researcher. Thank you for the opportunity to speak on the record today.

Firstly, to address the issues of agencies claiming to being overwhelmed by IPRA requests, I would suggest that state agencies digitize their records and make them available online. Much of state agencies' complaints about IPRA are truly self-inflicted problems that could be mitigated or completely avoided by simply accepting the critical need for transparency and utilizing their manpower effectively.

Secondly, I am requesting the Task Force confirm that public staff and officials' personal email and cellular phone records are public records subject to IPRA when those records are created by public staff and officials' using their personal email and cellular accounts.

I requested such records from the New Mexico Racing Commission on October 12, 2021, and my request was unlawfully denied. After repeated denied requests and filing an IPRA claim for the records in Bernalillo County District Court on February 18, 2022, I was finally awarded the records after trial on May 5, 2025.

I had to represent myself pro se, and, ironically, because the Racing Commission is the only agency in the state's history to defy clear IPRA law all the way to the point of trial, my victory was an unnecessary case precedent over public cellular phone records.

Despite several referrals to the Attorney General by the State Auditor for violations of IPRA, despite correspondence to the Attorney General from the New Mexico Foundation For Open Government on me behalf, despite proving to the Racing Commission's army of taxpayer-funded private attorneys numerous times throughout the litigation that the records I requested are indeed public records subject to IPRA, and despite my prevailing in court as lowly pro se scum after suffering years of aggressive retaliation and harassment, the Racing Commission has refused to preserve or produce the records, and challenged IPRA law via the Court of Appeals, arguing the records are not public and that they have no way to obtain them from their own employee anyway.

The reason I requested those records to begin with was due to my research and investigations exposing extensive misconduct and organized criminal activities committed by Racing Commission staff and officials, especially involving this particular NMRC employee of over two decades, who the Racing Commission's director admitted is incompetent and corrupt, who is using an alias, fake date of birth, has falsified her history within her applications and other official state records, has a documented history of committing perjury and fraud, and, while under oath, also belligerently corroborated my suspicions and admitted to the existence of the organized crime and fraud that I first uncovered in 2021.

Alarmingly, my research has also found connections to Jeffrey Epstein.

The Racing Commission's retaliation and subsequent legal costs have exhausted me financially and emotionally. To rub salt in the wound, although the Judge found in my favor and correctly ruled the records were indeed public records and ordered the Racing Commission to produce them, the Judge refused to award damages despite the records being wrongfully denied since October 2021 and the denials not being anywhere near the form of denial required pursuant to IPRA.

Adding to the frustration was the Racing Commission's submissions of a fraudulent document and even more outright, easily disproven false statements made during mediation on July 1st in yet another bold attempt to force me to abandon my efforts to obtain these records.

I would like to thank the New Mexico Foundation For Open Government for submitting an Amicus Brief on my behalf in response to the Racing Commission's appeal, for which we await the Court of Appeal's decision.

I am posing the following questions to the Task Force:

- What can be done to protect the public and the Inspection of Public Records Act and New Mexico Civil Rights Act from such aggressive attacks, defiance and challenges by public officials?
- What can be done to educate the judiciary on the importance and difference between the damages provisions of Faber v. King and Britton v. Attorney General so public citizens like myself are not left bankrupt after successfully enforcing an IPRA request?
- Every day that passes, more of those records disappear. What can be done to force the Racing Commission into complying with IPRA before the records disappear forever?
- And, lastly, I am asking publicly what is in the Racing Commission's so-called "investigator" Leasa Johnson's phone records that has the Racing Commission viciously retaliating against me and defying IPRA for half a decade?

Thank you very much for your time.

Sincerely, Vanessa Alexander

–
aut cum scuto aut in scuto

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Comment-276 *Submission Portal · Aug 5, 2026, 6:39 PM*

Arika Sanchez — Policy Director, New Mexico Center on Law and Poverty
Advocacy Group
RecordAccess-Strengthen RecordAccess-Accountability

I joined the August 5 meeting via phone per the posted instructions (because I was unable to connect via Microsoft Teams). After waiting through in-person public comment and virtual public comment, I was never called on to provide public comment. Here are the comment I hoped to voice:

My name is Arika Sanchez with the New Mexico Center on Law and Poverty, a legal nonprofit advocacy organization working on systemic issues across New Mexico. I want to speak in support of keeping IPRA strong and accessible.

The Legislature was explicit about why this law exists: because providing information to the public is "an essential function of a representative government." This is a promise to our public for the greatest possible information about government affairs as a matter of right.

For organizations like ours, IPRA is critical to how we do our work. Public records help us understand what's going on with a client's public benefits enrollment issues, whether a state agency's policies or practices are helping or harming our communities, and whether a problem we're seeing in one case is isolated or part of a larger pattern. We use the law to identify patterns and systemic issues to improve our government's functions, and to retrieve the records our clients need to exercise their own rights.

Anyone working inside a system can develop blind spots simply from being close to that work every day. An outside perspective—particularly one informed by open access to public records—often notices things that are hard to see from within. IPRA is what makes that outside perspective possible.

Restricting access by any means would fall hardest on the requesters who use IPRA as it was intended: to expose systemic problems and to improve our representative government.

I ask that this Task Force consider the real impacts that any new restrictions to IPRA will have on ongoing efforts to improve the government's work.

Thank you.

Comment-277 *Email · Aug 6, 2026, 10:39 AM*

Martin Fischer — Assistant General Counsel, Early Childhood Education & Care Department
Education

Redaction-Privacy | Sensitive-Juvenile | Fees-Recoupment | Statute-ExemptionConsistency

Good Morning,

Attached please find ECECD's comments on IPRA for the NMDOJ IPRA Task Force. Respectfully,

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Attachments (1):
ECECD comments on IPRA.pdf

Comment-278 *Email · Aug 6, 2026, 2:27 PM*

Douglas Michel
General Public

ProactiveTransparency | RecSys-Requests | Staffing-ProfessionalStandards | DataCollection

My name is Douglas Michel. I'm a New Mexico resident and a longtime public-records requester.

I've submitted three written pieces to this task force: reform recommendations, a proactive-transparency framework, and comments on staffing and technology.

Over the past few weeks, I also did something simple. I asked a range of agencies for their own numbers, and about their own training. What I found bears directly on the recommendations you're preparing.

First, some agencies could tell me exactly how many requests they handle, how long they take, and what they cost. A few track it carefully and handed me real numbers, which is the point: it can be done. But many could not, and there was no consistency. Often the information is already captured by the systems they use, just never aggregated, reviewed, or reported. Before the state adds fees or narrows access based on the burden of requests, it should measure that burden, and measure it in a way that can't be gamed: not

simply backlog counts that may be distorted by extensions or shifting definitions, but the actual time from request to production, and the frequency and duration of extensions. Standards and honest metrics are where meaningful reform begins.

Second, training varies dramatically, and so do the people doing the work. Some custodians are attorneys, some are paralegals, some are clerks; some agencies field thousands of requests, others a handful. When asked what training personnel receive, the answers ranged from a comprehensive program to none at all. One agency explained why plainly: New Mexico law imposes no training or certification requirement on records custodians. Training therefore happens inconsistently, with no floor under it.

I'm not suggesting every custodian needs the same training. Needs differ by role and by agency. But whatever the role, there is common ground everyone should share: the process, the ethics, the attitude, and the approach the law expects. That baseline is what's missing across New Mexico right now, and it's widest where the work is hardest: redacting body-worn, dash-camera, and drone video. I want to be clear that this work matters. Redaction protects real people, victims, children, and families caught in the worst moments of their lives, and it should be done carefully. Several agencies voluntarily send staff to IPRA seminars, which tells us the demand is real yet the standard is missing. But the answer to hard, important work is to train and equip people to do it well, not to charge the public for the shortfall. Protecting privacy and preserving access are not opposites; both are served by custodians who know how to redact and have the tools to do it.

I acknowledge that a high volume of requests is a genuine problem for some agencies. But volume is the thing to look at, not the person behind it. An agency can't ask why someone is requesting records, but it can choose to treat a frequent requester as someone to work with rather than someone to resist. And where the real issue is mass, automated, or commercial requesting, the remedy should target that system abuse, not broad fees imposed on every New Mexican exercising a fundamental right.

This is where proactive transparency matters most. Every record published before someone has to ask for it is one less request to process. When an agency has already reviewed and released a record, or a record needs no redaction, it should be published once, not reprocessed for each new requester. Agencies can be proactive in publishing records indexes, org charts, frequently requested documents, and meeting materials, and establish self-service portals for records like crash reports and government contracts. All this promotes transparency and reduces workload without reducing access.

What struck me most is that the difference between the agencies that answered well and those that didn't was neither size nor budget. It was attitude, whether an office treats a records request as part of its public duty, or as something to resist. Some agencies already rise to the spirit of the law. The law should help the rest meet the same standard.

And these two things, training and measurement, shouldn't be left to each agency's goodwill. They should be written into the statute itself. The law should require a baseline of training, and it should require agencies to measure their records work against a clear, game-proof standard. Start there. It's a foundation the state can build on: once agencies are trained to a common standard and their work is measured honestly, every later reform rests on solid ground. Goodwill is why some agencies do this well. A requirement is what brings the rest along.

One last point. Today, when a request is wrongly denied or ignored, the only remedy is a lawsuit, which most people can't afford. This task force should consider a way to resolve disputes short of going to court.

My request is simple. Measure the workload honestly. Set real training standards. Use technology intelligently. Make proactive disclosure central. Measurement will show where the system struggles, and it will also recognize the agencies already doing this right. Please build your report around evidence, standards,

and proactive disclosure, not assumptions about burden.

Thank you.

Comment-279 *Submission Portal · Aug 6, 2026, 2:40 PM*

Shannan Brumley — Taos County
General Government
Redaction-Standards | Redaction-Privacy | Fees-Recoupment | Enforcement-Mediation

I respectfully encourage the IPRA Task Force to consider creating a separate category for records maintained by law enforcement agencies, first responders, and detention centers, with longer response timelines and greater protections for sensitive information.

These agencies routinely maintain records containing personal, medical, investigative, and security-sensitive information involving victims, witnesses, juveniles, inmates, emergency incidents, and public safety personnel. Inadvertent disclosure can jeopardize privacy, public safety, investigations, and institutional security.

I recommend:

1. Extended response times for public safety records to allow adequate review, consultation, and redaction of sensitive information.
2. Broader redaction authority for personally identifiable and confidential information, including medical information, home addresses, phone numbers, dates of birth, family information, victim and witness identities, and other information that could compromise privacy or public safety. Private information should not become public simply because it appears in a government record.
3. Recognition of operational security concerns, allowing redaction of information that could reveal investigative techniques, emergency response protocols, facility vulnerabilities, or other details that may threaten the safety of staff, inmates, victims, witnesses, or the public.
4. Clear guidance and safe-harbor provisions for records custodians who must balance transparency with privacy, security, and legal obligations.

Transparency and public access are important principles, but they must be balanced with legitimate privacy and public safety concerns. A tailored approach for law enforcement, first responder, and detention center records would improve consistency while protecting sensitive information.

I also support the suggestion made during the August 4 meeting by the Santa Fe County Sheriff's Office to provide an opportunity for mediation or discussion with a requester to narrow overly broad requests before significant staff time and resources are expended.

A recent request received by Taos County illustrates the need for clearer guidance:

"I am requesting the following documents related to the creation of the MOU between NM DPS and Taos County for ALPRs: Emails, including attachments (both internally sent and externally with MOU parties and others)."

Reasonable people could interpret this request differently. One custodian may conclude the County is not the records custodian because the State drafted the MOU, or may limit the response to communications directly related to drafting and approval of the agreement. Another may interpret the request more broadly to include emails discussing ALPR deployment, investigative practices, technical specifications, security protocols, vendor communications, and related operational matters.

In addition, responsive emails may contain employee contact information, third-party communications, law enforcement-sensitive information, or references to ongoing investigations. Different agencies may reach different conclusions regarding what information must be released or redacted.

This example demonstrates the need for clearer statutory guidance, longer response timelines, and broader redaction authority for public safety records. Such changes would promote consistent application of IPRA while protecting privacy, institutional security, and public safety.

I would also like to encourage the Task Force in updating IPRA fee provisions to better reflect the actual costs incurred by public agencies when responding to records requests. While transparency is a fundamental principle of government, responding to complex requests often requires a significant investment of staff time to search for records, review documents, consult with departments and legal counsel, perform necessary redactions, and prepare records for release.

The Records Custodian from the City of Santa Fe also spoke on this at the 8/4 meeting.

Many requests, particularly broad requests for emails, electronic communications, and historical records, can consume dozens of staff hours and divert limited resources away from core public services. In some cases, requests appear to be submitted primarily for personal interest, content creation, or other non-governmental purposes, resulting in substantial public expense with little corresponding public benefit.

I recommend consideration of:

- Reasonable cost-recovery fees for extensive staff time spent locating, reviewing, and redacting records.
- Tiered fees for exceptionally broad or burdensome requests.
- Fee waivers or reductions when a requester demonstrates a clear public interest purpose.
- Opportunities for agencies and requesters to confer and narrow overly broad requests before substantial costs are incurred.

The goal should not be to restrict access to public records, but to ensure that the costs of fulfilling large and time-consuming requests are shared fairly and do not disproportionately burden taxpayers, provide monetary compensation, or interfere with the day-to-day operations of public agencies. A balanced fee structure would encourage more focused requests while helping agencies meet their transparency obligations efficiently and responsibly.

Comment-280 *Submission Portal · Aug 6, 2026, 2:57 PM*

Erin Bradshaw — Central New Mexico Community College
Education

ProactiveTransparency EntityCoverage Enforcement-NoticeCure Resource-Ombudsman

Public institutions of higher education face particular records-management challenges. In a higher education institution, responsive records may be maintained across academic and administrative departments

and within systems used for student services, human resources, finance, learning management, email and other College operations. Records may also contain information protected by FERPA, employee information, protected personal identifiers or other information that must be carefully reviewed and redacted before disclosure.

We ask the IPRA Task Force to consider incentivizing proactive disclosure by creating funding and shared resources that would help public bodies publish frequently requested records in accessible and searchable formats. This could improve public access while reducing the number of requests that public bodies must process individually.

Other states have established grant programs for records management systems, digitization and public access without using funds from the general operating budgets of local agencies. Washington, for example, adds a $1 surcharge to certain documents recorded by county auditors. That revenue is managed by the Washington State Archives and awards grants to local public agencies for digitization, records management technology, public access, and related training. New Mexico could consider a similar funding mechanism to help public bodies proactively publish frequently requested information and respond more efficiently to IPRA requests.

We also support the idea of establishing an ombudsman or small state office that could assist both public bodies and requesters. Such an office could provide guidance when questions arise, help resolve disagreements and work with requesters to clarify or narrow requests when appropriate. This could help requesters receive the information they are actually seeking more quickly while reducing requests that are unnecessarily broad or burdensome.

Finally, we ask the IPRA Task Force to consider establishing a reasonable notice process before an IPRA lawsuit may be filed. Under current law, a requester may proceed directly to court without first giving the public body an opportunity to address a concern with its response. Before filing suit, a requester should be required to provide written notice to the records custodian identifying the records believed to have been improperly withheld or omitted and explaining the concern. The public body should then have a limited amount of time to review the matter, correct an inadvertent omission, provide additional records or further explain the legal basis for its response.

Lastly, we recommend adding exception language to IPRA that supports and reinforces language in New Mexico's Research Park and Economic Development Act, NMSA 1978, Section 21-28-1 et seq. (21-28-7 states "A research park corporation shall not be deemed an agency, public body or other political subdivision of New Mexico, including for purposes of applying statutes and laws relating to personnel, procurement of goods and services, meetings of the board of directors, gross receipts tax, disposition or acquisition of property, capital outlays, per diem and mileage and inspection of records.) (emphasis added). It is important to distinguish research park corporations from other third-parties that may hold records on behalf of a public institution of higher education. Research park corporations are formed by public institutions of higher education pursuant to the Research Park Act and operate as non-profit or for-profit corporations under New Mexico law. Corporations are private business are not ordinarily required to disclose their records. Given the language of the Research Park Act, it is clear the legislature did not intend to make research park corporations subject to IPRA. A clear exception will clarify that intent.

These recommendations would preserve meaningful public access while giving public bodies better tools, resources and processes to meet their responsibilities under IPRA.

Comment-281 *Submission Portal · Aug 7, 2026, 9:05 AM*

Cynthia Miller — Editor, Santa Fe New Mexican Media

RecordAccess-Strengthen RecordAccess-Accountability ProactiveTransparency Staffing-Workload Enforcement-LackOf DelayedProduction

Members of the IPRA Task Force:

Thank you for taking up this effort to examine the New Mexico Inspection of Public Records Act. I caution you to keep in mind that any effort to weaken the Inspection of Public Records Act will weaken New Mexico. Any effort to make it more difficult for members of the public to access information that belongs to the public will have wide and detrimental impacts. Secrecy only serves to shield bad actors and poor performance. I urge you to instead strengthen the law by making public records more easily accessible and increasing enforcement mechanisms.

As the news editor for The Santa Fe New Mexican, I deal with IPRA issues on a daily basis. State and local government agencies and law enforcement flagrantly flout the law, and there is no recourse except to file a lawsuit. What was the New Mexico Attorney General's Office and is now the Department of Justice has fielded numerous complaints from New Mexican reporters. This rarely results in any kind of relief. When I began working in journalism in New Mexico nearly 30 years ago, there were occasional obstacles to obtaining public records. Often, they were provided on the day they were requested, and certainly they were provided by the three-day mark. Large requests might have taken the full 15 days allowed under the law. Now, months- and even years-long delays are the norm. We can't effectively do our jobs, which often means making sure our state and local government agencies are doing their jobs. Some of the worse offenders: The New Mexico Department of Public Safety and the New Mexico Corrections Department.

You only have to take a glimpse at the troubled New Mexico Children, Youth and Families Department, which has been able to hide behind confidentiality laws, to see the potential consequences of secrecy in government: great harm to infants, children and youth — and, too often, even death. Attorney General Raúl Torrez is keenly aware of this. He has vowed to remove the shield of secrecy that has allowed the state's child welfare agency to cover up its neglect and ensure accountability.

Records custodians are overwhelmed, you say. Requests have more than doubled since 2020. What this tells you is that the public is demanding information that belongs to the public. The solutions are obvious: Make more information publicly available online and increase records staffing. Improve the New Mexico Sunshine Portal so that documents can be downloaded there, preventing the need for an overload of records requests.

I hear the term "vexatious requester" used to describe members of the public who make frequent requests for public records and overwhelm records staff. While this sensational term might tug at heartstrings, it boils down to something else entirely: A member of the public is asking for information they should be able to easily access online, and the government agency has not made it available, therefore allowing the records staff to become overwhelmed by a request. The government agency also has understaffed its records office. This is not the fault of any member of the public demanding information that belongs to the public. It is not a sufficient reason for a government agency to violate state law.

You have been told stories about how a wide range of members of the public use the law for financial gain. This is laughable reasoning. There would be few IPRA lawsuits and no financial awards against state and local government agencies if all agencies were adhering to the law and providing the requested records within the timeframe outlined in the law. There also would be no need for IPRA lawsuits if there was implementation of other enforcement mechanisms to ensure government agencies are following the law. Those fre-

quently accused of violations should face more stringent oversight and be held accountable for corrective action. Penalizing an agency with taxpayer-funded fees, settlement payments and court awards should not be the only enforcement action available to ensure compliance with this critical law.

What some may consider frivolous IPRA lawsuits are actually a plea from the public for a stronger law and greater compliance and more effective means of enforcement.

Comment-282 *Submission Portal · Aug 7, 2026, 7:28 PM*

Donald G. Wiklund
General Public
Reprisals | RecSys-Retention | Staffing-Workload | Requestor-Vexatious | Requestor-Impede

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AUGUST, 7, 2026
IPRA Task Force
State of New Mexico

Subject: Urgent Need for IPRA Reform to Prevent the Weaponization and Harassment of Small Utilities

Dear Respected Members of the IPRA Task Force,I am writing to you today to urgently request and encourage a comprehensive reform of the New Mexico Inspection of Public Records Act (IPRA). While I fully understand and respect that IPRA is a vital and powerful tool for democratic accountability and governmental checks and balances, the pendulum has swung too far in our community. In its current state, the law lacks the necessary safeguards to prevent deliberate misuse, which is currently being weaponized to destroy our critical community infrastructure.

Timberon, New Mexico, is an unincorporated community, not a municipality. We rely entirely on the Timberon Water & Sanitation District to ensure the delivery of safe drinking water to approximately 1,300 water meters and nearly 1,000 residents. Currently, our management, Board of Directors, and office employees are under severe administrative attack by a tiny minority of four or five individuals who are using IPRA as a tool of targeted harassment.

To provide necessary context, the individuals submitting these relentless requests are former board members, managers and disgruntled ex employees, who were democratically voted out of office or let go for cause. The public sentiment was clear: they had severely mismanaged our community's resources, leaving the incoming administration to inherit over half a million dollars in unpaid debts. Now out of power, they are retaliating by burying the current manager and board under an unmanageable volume of frivolous public records requests.

This coordinated campaign has effectively paralyzed our tiny utility office. Strikingly, while these individuals were previously in power, they ordered the destruction and shredding of countless historical documents. They are now weaponizing IPRA by aggressively demanding information that they themselves destroyed, forcing the current administration to spend hundreds of hours fruitlessly searching for non-existent records to comply with the law and avoid steep statutory fines.

The real-world consequences of this abuse are devastating:Severe Staff Turnover: The immense stress of

this targeted harassment has already forced the resignation of two current board members and multiple office staff, including the primary clerk responsible for answering these requests.Operational Sabotage: These IPRA requests are intentionally timed during peak billing cycles. By burying the staff in paperwork exactly when billing statements need to go out, they are intentionally disrupting our revenue stream, choking the incoming funds required to support daily operations, process billing, and schedule critical infrastructure repairs.Imminent Risk of System Collapse: Our General Manager and remaining office staff are pushed to their breaking points and are on the verge of resigning.

If they leave, the Timberon Water & Sanitation District will be forced to shutter. An entire community of nearly 1,000 people will be left completely without water service.

There is no debate that our water system is in a fragile state. While our water supply is good, our distribution system has aged out, having been improperly engineered and poorly installed decades ago. We desperately need our leadership focused on securing grants, fixing leaks, and rebuilding our infrastructure. Instead, 100% of their operational capacity is being stolen by malicious, repetitive public records requests.

IPRA was created to foster transparency, not to allow a handful of disgruntled actors to intentionally bankrupt and shut down a public water system. Small, unincorporated districts with limited staff urgently need protections against vexatious, bad-faith requesters, reasonable limits on request volume, and protections against being fined for records destroyed by previous administrations.Thank you for your time, your dedication to public service, and your serious consideration of these vital reforms to protect small New Mexico communities like Timberon.

Sincerely,
Donald G. Wiklund
Resident, Timberon, New Mexico

Comment-283 *Email · Aug 10, 2026, 9:39 PM*

Garrett Jenkins
General Public
ProactiveTransparency Enforcement-Mediation Resource-Ombudsman

Dear Honorable Mayor, City Councilors, and Members of the NM DOJ IPRA Task Force,

I am writing as an advocate for government transparency, and former Chair of the San Francisco Sunshine Ordinance Task Force (SOTF). Based on my direct experience leading a municipal transparency board, I want to formally propose a structural reform to how public records disputes are handled in the City of Santa Fe. I recommend that the City of Santa Fe establish a local, independent, citizen-led public records oversight body modeled after this proven municipal framework.

Currently, when a resident is denied access to public records under the Inspection of Public Records Act (IPRA), their only realistic avenue for enforcement is to file a lawsuit in a New Mexico District Court. This system creates significant barriers for everyday citizens due to high legal fees, while simultaneously draining municipal taxpayer resources on protracted courtroom litigation.

A localized public records board would bridge this gap by acting as a fast, cost-free administrative checkpoint before disputes wind up in a courtroom. Based on how we successfully operated the SOTF, I recommend structuring the Santa Fe board around five core pillars:

1. A Citizen-Led, Informal Format: The hearing process should be deliberately designed as an accessible,

peer-to-peer citizen review, not a formal courtroom trial. Requesters and city department representatives should appear directly before the volunteer board to present their cases transparently, eliminating the need for private attorneys to structure arguments.

2. A Dedicated Assistant City Attorney: To ensure strict compliance with state law without sacrificing this informal format, an Assistant City Attorney from the Santa Fe City Attorney's Office should be assigned to serve strictly as the board's legal advisor. This advisor would guide the volunteer members on legal constraints, charter boundaries, and state IPRA preemption rules. By maintaining a strict ethical wall, this attorney would defend the board's independence while ensuring its findings remain legally defensible under New Mexico law.

3. An Independent Board Clerk: The board must be supported by an intentional administrative structure that drives proactive dispute resolution. The ordinance should establish a dedicated Board Clerk reporting directly to the Santa Fe City Clerk's Office. In my experience running the SOTF, this role is vital. Rather than just tracking files, this clerk actively assists requesters in clarifying and obtaining records, organizing files, and preparing meeting packets. This frequently resolves misunderstandings and secures documents before a formal hearing is ever required, drastically reducing the workload for volunteer members.

4. A Concrete, Non-Litigious Enforcement Framework: To ensure accountability without requiring court intervention, the ordinance must establish a clear enforcement mechanism. Because Santa Fe does not have a separate municipal ethics board to handle non-compliance, I recommend that a board-issued Order of Determination be tied directly to city personnel rules. If the department head(s) refuses to comply with the board's finding to release a record within five business days, the matter should be escalated to the City Manager's office for internal administrative discipline. Alternatively, the City Attorney can be granted the explicit administrative authority to override the department and release the records directly. If the Mayor, or City Councilor(s) refuse to comply it is referred directly City Attorney. This ensures the board has true operational teeth while keeping the entire dispute strictly within city hall and out of the judiciary.

5. Leveraging Specialized, Off-the-Shelf Transparency Tech: Finally, a successful oversight board must work in tandem with a modern, specialized public records database. During my time chairing the SOTF in 2007, the market for dedicated transparency software was just emerging, and cities often defaulted to rigid, internal IT builds that fell short of true public accessibility.Today, scalable, cloud-based records management platforms are the industry standard. The City of Santa Fe should ensure that its records technology is configured to feed an open, searchable public archive. Alternatively, today's IT department may be more than capable of setting up a database for public access of City records. This allows the proposed board and the general public to review previously fulfilled requests instantly, cutting down on duplicate submissions and heavily reducing the administrative burden on city staff.

I urge the City Council to explore an ordinance establishing this board, and I request that the NM DOJ Task Force include localized, citizen-led administrative frameworks as a key recommendation in its upcoming report to the state legislature.Thank you for your time, leadership, and continued dedication to open government.

Sincerely,
Garrett Jenkins

Comment-284 *Email · Aug 11, 2026, 11:39 AM*

Lichelle Armstrong
General Government

Staffing-ProfessionalStandards | Redaction-Privacy | Requestor-Vexatious | Enforcement-RepeatViolators | Resource-AdvisoryOpinion | Statute-Burdensome | Statute-Abandonment

Good morning,

After attending a few in person meetings, hearing public comments and discussions, and having experience managing public records requests in my position. I have listed below some things that could potentially help the flow and ease of IPRAs for all involved, as well as some common issues that we have that can hopefully be addressed. I hope that you will take this into consideration along with all of the other suggestions and hopefully the Task Force can provide a thorough report that the Legislature can then implement.

PPI redactions: We recently had the addition of street addresses of nonelected employees being added to the redaction list, but I think that should now extend to personal phone numbers of nonelected employees, and phone numbers and addresses of members of the public unless it is information needed for the actual transaction of business (e.g. business / building permits, production licenses). Some of the more egregious examples of releasing this information was mention (stalking, harassment, etc.), but at a basic level, I do not think releasing personal contact information is at all a necessary part of IPRA. I have even seen some instances of individuals not wanting to do certain business or make certain complaints because they are made aware that their information will then be public. To take this out of the equation, would be beneficial to everyone.

Prioritization: I believe it could be beneficial to prioritize requests based on the individual requesters. Perhaps we could have a different deadline timeline or the ability to assign priority for individuals with a direct connection to the records that they are seeking, then New Mexico requesters, and then outside requesters. This could be even more beneficial for law enforcement records. Victims and families and their lawyers should take precedent over legitimate press, who would then take precedent over random individuals that are just curious or wanting it for YouTube.

Vexatious Requesters: I know other states have similar rules in place, but to assist with or circumvent the prevalence of vexatious requesters, if a requester submits a second request while their first is still open, the custodian does need to start work on the second until the first is complete. That would continue to be the case if a third, fourth, etc. is submitted. We have had instances of requesters sending multiple requests at one time or sending additional requests when we haven't even finished the first or second. I think this rule should apply whether the requests are related or not.

Training / Ombudsman: I think it would be helpful and beneficial to have trainings offered either in person or virtual for anyone who is new to being a records custodian. When I began my current position, I received no training. I had to seek everything out myself and call other agencies for advice. There were occasional trainings offered which were beneficial, but having a go-to individual, office, or contact when someone begins this work would be great.

Non-Response Closing: Oftentimes custodians will reach out for further clarification regarding requests, whether it's to get more information to help with a search or the request is too broad to conduct a thorough search. We can give the requester the full initial 15 days to respond, but then the request can be closed with the option to reopen if clarification is provided.

Bodycam Redactions: It would be great if something could be done to address the excessiveness of body

cam request and by extension the redactions. The idea of a release form was floated and I think that could be beneficial for families to get footage released quicker without redactions or possibly families and lawyers not having to go through the IPRA process at all and having another avenue to request and receive records.

Unviewed records: We have many instances of releasing records, and sometimes to some very persistent and aggressive requesters, and when the records are finally released they remain unviewed. The work and time that oftentimes goes into these requests only for them to be left in a que and the same requester just continue to submit more, can be extremely frustrating.

AI requests: AI generated requests have become insanely burdensome. I received a 14½ page request that was very clearly generated by AI. It involved multiple departments and ultimately was one request of many received by one individual, and it was all related to what boiled down to a civil dispute with a neighbor. This is far from the only example, but AI generated requests seem to rarely be edited before they're submitted, so it leads to excessive and burdensome requests. I do not think we should deny AI requests, but maybe this type of request can be factored into rethinking what "Broad & Burdensome."

Agency violators: For agencies that are found to be frequent violators of IPRA, maybe additional oversight or repercussions could be in place to keep them from reoffending or at least in an attempt to uphold the true purpose of IPRA.

Thank you!

Comment-285 *Email · Aug 12, 2026, 3:15 PM*

Garrett Jenkins
General Public
ProactiveTransparency Enforcement-Mediation Resource-Ombudsman

Dear Honorable Mayor, City Councilors, and Members of the NM DOJ IPRA Task Force,

I would like to thank Councilors Pilar Faulkner and Patricia Feghali for reaching out to me and expressing interest in the proposal.

In addition, I am writing to correct an error in my previous email proposing an independent public records oversight body for the City of Santa Fe.

In Pillar 4 of that letter, I stated that Santa Fe does not have a separate municipal ethics board. That is incorrect. The City's Ethics and Campaign Review Board is codified at Sections 6-16.1 et seq. SFCC 1987 (Ord. No. 2005-14, as amended). I regret the error and want it corrected on the record before it colors the rest of the proposal.

The correction narrows my recommendation rather than defeating it. The ECRB's jurisdiction runs to the Code of Ethics, the Campaign Code, and the Public Campaign Finance Code. It does not reach the Inspection of Public Records Act or the Open Meetings Act. A resident denied records today therefore still has no administrative remedy — the ECRB cannot hear the dispute, and District Court remains the only avenue.

There are two ways to close that gap, and they are complementary:

1. Amend the Code of Ethics so that a willful failure to comply with IPRA or OMA is an ethics violation within the ECRB's existing jurisdiction. This requires no new body.
2. Establish the independent records oversight commission I proposed, with the ECRB amendment serv-

ing as the disciplinary backstop rather than the primary mechanism.

I recommend both. My caution against relying on the ECRB alone comes from direct experience: San Francisco routes Sunshine Ordinance violations to its Ethics Commission by referral, and that referral path has produced findings without consequences for years. A body that can determine a violation but not order the record released does not get the record released.

Everything else in my email stands, and I am glad to discuss any of it at your convenience.

Respectfully,

Garrett Jenkins

Comment-286 *Submission Portal · Aug 12, 2026, 3:55 PM*

Joseph Sawyer — San Juan County
General Government
Redaction-Privacy

Thought should be given to expanding the protected personal information definition to include personal / non-work email addresses and phone numbers of persons who appear in public records.

Comment-287 *Submission Portal · Aug 13, 2026, 8:54 PM*

Michael Pruitt Asenap — IPRA Compliance Clerk, City of Belén
General Government
Staffing-Workload Staffing-Budget

Dear Esteemed Panel,

As an IPRA administrator in a small municipality and attendee of the August 5th Albuquerque IPRA task force meeting, I feel compelled to share some thoughts derived from some of the public comments I observed.

There are clear competing interests, all valid and to various extents, valuable. The purpose of IPRA as a foundational sunshine law intended to allow for access and oversight of government entities must be preserved as the law evolves.

This acknowledged, there are realities in applying this mission that function as limiters. The demand for public records is on track to eventually exceed current collective governmental capacity. How that demand is shaped is fundamentally different for each agency.

I have the advantage of experience administering public-records intake within one of the State's largest public agencies and currently serve as an administrative IPRA official in a small municipality. The shape and scope of challenge are not the same. A large agency may confront challenges with volume, high visibility, increased litigation and political liability, while a small agency might be challenged with strain derived from structure, tools and resources, and when the larger hazards do arise – the burden is only intensified.

It is essential that the task force integrate this particularly important reality and limiter into your work. Reform cannot be built on broad solutions without consideration for their impact on smaller agencies.

For the broader solutions the task force develops, I'd also encourage consideration for novel structures that honor the spirit of the law, while addressing changing patterns and intensity of demand. This might include

an evolved system that structures record and agency classifications. A specific but contained category of records that should be produced promptly, and agency classifications that measure statutory demand based on volume or size and calibrate procedural requirements accordingly.

This task force is tending to highly dimensional problems with undeniable complexity. Sophisticated solutions aren't easy to construct. Thank you for your consideration and service.

Respectfully,

Michael Pruitt Asenap

IPRA Compliance Clerk

City of Belen and Belen Police Department

Comment-288 *Email · Aug 14, 2026, 12:47 PM*

Elena Rubinfeld — Legal Director, New Mexico Coalition of Sexual Assault Programs
Advocacy Group
Sensitive-Juvenile | Resource-Ombudsman | Statute-ChildrensCode

Hello,

I am writing to submit a written public comment for the consideration of the IPRA Task Force on behalf of the New Mexico Coalition of Sexual Assault Programs.

If there are questions or concerns, please let us know. As I note in our comment letter, I will be transitioning out of my role as Legal Director on September 4. Questions after that date can be directed to our New Mexico Children's Alliance Director Melissa Ewer, who is cc'd on this email.

Thank you so much for this opportunity.

Sincerely,

Elena Rubinfeld, JD (she/her)
Legal Director, New Mexico Coalition of Sexual Assault Programs
505-633-5490 | www.nmcsap.org
elenar@nmcsap.org

Attachments (1):
8.14.26 NMCSAP letter to IPRA Task Force.pdf

Comment-289 *Submission Portal · Aug 14, 2026, 9:38 PM*

Anonymous
General Public
Requestor-SocialMedia | Fees-Recoupment

To Whom It May Concern:

We write to comment on IPRA from the perspective of a YouTube channel that monetizes body camera videos, based in California. There is a lot of work that goes into making body camera videos ready for YouTube. It is not as easy as some make it out to be. In listening to the video of committee meetings, there

seems to be an assumption that records are downloaded and just re-uploaded for profit. That is not true at all. We spent hours editing the videos to make them easier to understand for viewers. To address the point of privacy and the focus on females. First, if you don't want your arrest video on YouTube, don't drive drunk, don't shoplift, or break a law. These people choose to make decisions that put themselves and others in danger. The public deserves to know about that. Second, the media has to cover cases that people want to hear about. Believe it or not, people want to hear about cases where females have been arrested more than males. That's the demand. People want to see crazy car chases; that's the demand. The traditional media makes money off this as well; Law and Crime Network has its own YouTube channel.

This is not to say that the way IPRA is currently written is not a problem. I think there needs to be more time for agencies to respond. We have always maintained the philosophy that agencies should have the time they need as long as they communicate with us. Fees should be reasonable. But the solution is not to ban YouTubers from requesting. Work with us. Don't work against us.

Sincerely,

Anonymous

Comment-290 *Email · Aug 16, 2026, 9:25 PM*

Douglas Michel
General Public
ProactiveTransparency RecSys-Requests RecSys-Retention Staffing-ProfessionalStandards DataCollection

Chair Zaritsky,

Thank you for the chance to speak with the task force on August 5, and for acknowledging my earlier submissions that evening. Attached is a fourth supplemental comment ahead of the task force's deliberations, addressing a question I don't believe has been separated out yet: how much of the burden agencies report comes from providing access itself, and how much comes from the condition of the records systems underneath it.

I hope it's useful as the task force finalizes its recommendations. I'm glad to answer any questions.

Respectfully,

Attachments (1):
Michel_The_Question_Beneath_the_Burden_August2026.docx

Comment-291 *Email · Aug 19, 2026, 10:27 AM*

Barbara Hodgson — City Attorney, City of Carlsbad
General Government
Staffing-Workload Requestor-Batch

Good morning,

The City of Carlsbad would like to share the attached IPRA request, which is seeking police department documents going back to 1965. Although it is addressed to PD documents, the documents requested reach other departments in the City.

The request seeks the following:

1. CAD, Dispatch and Calls for Service
2. RMS, Incident, Offense and Case Indexes
3. Arrests, Citations, Traffic and Enforcement
4. Case Disposition and Clearance Records
5. Response Time, Workload and Activity
6. Staffing and Organization
7. Policies, General Orders and SOPs
8. Training and Professional Standards
9. Use of Force, Pursuits and Critical Incidents
10. Complaints, Internal Affairs and Discipline
11. Budgets, Expenditures, Grants and Resources
12. Technology and Operational Data Systems
13. Data Dictionaries, Code Tables and System Guides
14. Statistical and Reporting Records
15. Mutual Aid and Community/Interagency Programs
16. Claims, Lawsuits and Settlements
17. Evidence, Property, Retention and Archives
18. Public-Records Administration

We are bringing this to the Task Force's attention for informational purposes. I believe the request is seeking nearly every document in the City's possession.

Barbara T. Hodgson
City Attorney
P.O. Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191 - Main Office Ext. 7958
(575) 885-1101 - Fax Line
bthodgson@cityofcarlsbadnm.com

Attachments (1):
Request 26-4771 (Carlsbad) (1).pdf

Comment-292 *Public Remarks - Albuquerque Meeting · Aug 20, 2026*

Katie Spaeth — Vice President, Estancia Valley Classical Academy
Education
Staffing-Workload Staffing-Budget Requestor-DataBroker

Comment-293 *Public Remarks - Albuquerque Meeting · Aug 20, 2026*

Peter St. Cyr — Journalist
Media
RecordAccess-Accountability Enforcement-LackOf Statute-Burdensome

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Comment-294 *Public Remarks - Albuquerque Meeting · Aug 20, 2026*

Douglas Michel
General Public

Comment-295 *Submission Portal · Aug 20, 2026, 9:52 AM*

Melissa Howden — Thirteenth Judicial District Attorney's Office
Judicial Body
Staffing-Workload | Redaction-TimeBurden | Requestor-Vexatious | Requestor-Impede | Requestor-SocialMedia

I have been the Records Custodian for the 13th Judicial District Attorney for the last 7 years. In that time the requests have increased about 350%.

The popularization of crime shows has led to a greater demand for content. Consequently, the use of IPRA laws are stretching beyond their original intent. This transparency is valuable, what is happening in large measure are requests from television shows, production companies and vloggers with crime shows requesting entire case files, to construct crime shows, for profit, and there is no basis in the IPRA law to protect against this. Recently I and one other colleague spent two months reviewing and redacting a high-profile case requested by a production company with offices in Los Angeles and London for a documentary in production. The fact that we the staff of a state agency (who have full-time primary positions that don't involve IPRA) worked full time for two months with their salaries paid by the taxpayers of New Mexico, to provide material for the for a for-profit company, is not what IPRA was intended for. This is just one example of those we see weekly. The law as it currently reads provides no protection against abuse of the law for example, an ongoing set of retaliatory requests from a defendant in one of our cases, who also keeps filing superfluous cases against us. We recently received a request for 500 cases from 2025. The requestor admitted on his own Facebook page that this request was a test. There was no real reason for the request except for a grudge held against one of the DA's in the state. To say that a request is broad and burdensome does not mean we cannot fulfill it. This is flat out abuse of the law and must somehow be addressed.

Comment-296 *Submission Portal · Aug 20, 2026, 4:40 PM*

Katie Spaeth — Vice President, Estancia Valley Classical Academy
Education
Staffing-Workload | Requestor-DataBroker | Requestor-Batch

When logging into teams for the August 20 meeting, it stated that the microphone was turned off for the event. I did not have the option to comment due to that restriction. I will post my comment here:

I am the Vice President on the school board for Estancia Valley Classical Academy, a small charter school in Edgewood, New Mexico. We are experiencing difficulty with keeping up with IPRA requests from commercial data companies. Our office receives IPRA requests weekly, sometimes a few times a week for documents pertaining to our purchases. The requests ask for documents that span several years. Because we are a small school, we do not have the staff to quickly fill these requests under the current guidelines. We further do not have the funds to hire someone to solely answer IPRA requests like bigger school districts. Our business office who is comprised of 1 person, must maintain our books and budget and meet strict state requirements set for charter schools while also answering numerous IPRA requests. Our concern is not the transparency and providing the documents, it is the fact that commercial companies are making these requests and then

selling that information for profit in order to market products. The legislative history and purpose of IPRA is to allow the public to have transparent access to what public bodies are doing and to hold those public bodies accountable.

While I understand that commercial companies are entitled to certain documents within our custody and control, I would like to see some kind of change to the statute to combat the issue we are facing as a small school to quickly fill these very large requests by commercial data companies as we do not have the staff or funds to hire anyone for that position. Further, limiting the requests in some way would be beneficial as well as I do not believe a company requesting purchases of a school accomplishes the goal IPRA set out to be.

Comment-297 *Email · Aug 27, 2026, 9:57 AM*

Walker Boyd — Santa Fe County Attorney, Santa Fe County Board of County Commissioners
General Government
Staffing-Workload | Redaction-Privacy | Sensitive-Victims | Requestor-OutOfState | Requestor-DataBroker | Enforcement-Damages | Statute-Burdensome | Statute-ExemptionConsistency | Statute-Limitations

Good morning,

Please see the attached comment on behalf of the Santa Fe County Board of County Commissioners.

Kind regards,

Walker Boyd
Santa Fe County Attorney
102 Grant Avenue
Santa Fe, NM 87501
jwboyd@santafecountynm.gov

Attachments (1):
2026-08-27 SFC IPRA Task Force Comment.pdf

Comment-298 *Submission Portal · Aug 27, 2026, 3:12 PM*

Rafael Pevida
General Public
Statute-Burdensome | Statute-ExemptionConsistency

I am a New Mexico resident and a public employee of eighteen years. I am not a commercial requester, a data broker, or a high-volume filer. In the past three months I have submitted two IPRA requests to my own employer, Albuquerque Public Schools. I offer the following because the discussion of IPRA reform appears to be framed largely around request volume, and my experience points to a different problem: the excessive-burden designation is being used as a delay mechanism against individual requesters, and statutory authority is being cited that does not exist.

Two examples, both verifiable from APS's own written messages:

On July 1, 2026, APS conditioned release of an assembled batch of records on my signing a HIPAA authoriza-

tion form, citing "the 'otherwise provided by law' exception contained in NMSA § 14-2-1(H)." That subsection has not contained that exception since March 2023.

On August 18, 2026, APS declared a seven-item request "excessively Burdensome and Broad per the NM IPRA Compliance Guide State Statute 14-2-10," and then placed in quotation marks, as though quoting the statutory ground: "Please note that these records are presently under legal review." That language appears in neither the statute nor the Ninth Edition of the compliance guide. An earlier APS message uses the identical template with the actual statutory criteria in that position.

Separately, file metadata shows that all fifteen records APS has produced were created on a single day, July 1, 2026, within a seventy-one minute window, with no modification afterward — yet they were released in three installments over the following six weeks and described as a rolling production.

Two suggestions for the Task Force's consideration:

Require that a determination under § 14-2-10 identify which statutory criterion applies and state a projected date for the first production. A designation with no date and no applicable criterion functions as an indefinite denial.

Require that any claimed exemption cite the statutory provision as currently codified. A citation to a superseded subsection should not suspend a requester's rights.

I am willing to provide the underlying documents to the Task Force on request.

Comment-299 *Submission Portal · Sep 3, 2026, 3:36 PM*

Peter St. Cyr — Journalist
Media

September 3, 2026

Madeleine Zaritsky
Chair, IPRA Taskforce
New Department of Justice

Greetings,

As the deadline for public comments approaches I need to request a copy of the subcommittee reports submitted to your office ahead of the general discussions at today's open meeting. My hope is to limit my comments to the actual issues being discussed.

I opted not to file an IPRA for these three subcommittee reports because we know the documents are available and do not require a legal review, not to mention a 15 day processing period would run past the September 11 deadline to submit comments.

I have many academic reports on most of these issues that the task force would fine informative but they are in pdf format and I have not seen the option to attach or submit relevant documents on the micropage.

I appreciate your help as I hope to work on my "mark down" and comments during the holiday weekend while I enjoy the fresh mountain air at a friend's cabin. I hope you also have fun plans for the Labor Day weekend.

Side note: I would like to hear from a national FOIA scholar, technology vendors (GovFlo.ai) and from Lexis Nexis to understand their perspective before the report is submitted.

Question: Do you know what interim committee the report will be submitted to and whether the interim committee will discuss the report during a public hearing so I can add it to my calendar and plan public comments.

For now, If you opt not to email me the three subcommittee reports as a courtesy will you please post them in the Sept 3 meeting page along with the video and transcript from today's meeting.

Best regards,
Peter St. Cyr
518 Phoenix Ave NW
Albuquerque, NM 87107
(505) 319-3237

Comment-300 *Submission Portal · Sep 4, 2026, 5:21 PM*

Anonymous
Law Enforcement
Redaction-Privacy Sensitive-Juvenile Requestor-Impede

I work at a Law Enforcement agency in NM and what I have been noticing more and more is that individuals are using Police Resources as search engines. As your Task Force is allowing feedback, I believe it is important to address this concern. Oftentimes my agency will receive IPRAs for police reports with broad information in an effort to develop an "arrest"/"background" history for an individual. NMSA 29-10-6 requires that individuals confirm their identity prior to requesting their arrest records/background check. If John wants a background, he will be required to identify himself. Once his identity is confirmed we can give him his background check. If John is applying for the ATF, he signs a waiver allowing ATF to conduct a background on him. If John is joining the US Army the US Army has him sign a waiver allowing them to run a background on him.

We have noticed that other individuals are using IPRA to conduct background checks on individuals. For instance, Peter files an IPRA to the police department requesting "any and all records and REPORTS associated with John Jenkins dob 01/31/1990". While Peter is not requesting a "background check" on John, his IPRA may provide him sufficient information to generate a "background" for John. The reports Peter requested will more than likely include reports where John was arrested. We cannot deny Peter access to those reports under IPRA because he is not requesting a rap sheet or a list of arrests or arrest records specifically. On the flip side, if Peter knows that John has lived at 150 1st most of his life, Peter can still request and create a background for Peter by requesting "all and any records pertaining to 150 1st St".

The following is hypothetical: John then finds out that someone has posted on social media a list of his arrests. John comes to the police department yelling that the department released all his records and violated his privacy. What remedies does John have? There is nothing on IPRA that allows us to give him the information pertaining to Peter's IPRA. What if Peter used a fictitious name and provided a bogus phone number and address?

The current IPRA also fails to provide direction to LEAs to when it comes to Juveniles. One on side their arrest records (example Class III) reports are open to inspection if the Juvy is under 18 yet once they turn 18 they are not. Similar to the "any and all reports" a requestor may request a Juvy's records before the juvy is 18, disperse it and formulate a background check.

In short, police departments should not be search engines and there need to be safeguards to prevent other

parties from conducting ad hoc background investigations. Police records should be opened to the public but should not be used to harass others.

Comment-301 *Email · Sep 12, 2026, 8:14 PM*

Danielle Duran — Intergovernmental Affairs Manager, Los Alamos County
General Government
Staffing-Workload | Redaction-Privacy | Fees-Recoupment | DelayedProduction

Hello

Please accept these comments on behalf of the Incorporated County of Los Alamos, New Mexico.

Regards,

Danielle Duran
Intergovernmental Affairs Manager
Los Alamos County
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Attachments (1):
Los Alamos County Information on IPRA Request Workload and Costs_Final_09102026.docx

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Comment-302 *Email · Sep 15, 2026, 9:38 PM*

Peter St. Cyr — Journalist
Media
ProactiveTransparency | Staffing-ProfessionalStandards

To: IPRA Task Force -

Madam Chair and Task Force Members,

I wanted to add three additional comment that I neglected to include in my email earlier.

I suggest the IPRA TASK FORCE consider recommending that custodians have a paralegal certification and be hired as classified employees rather than having custodians appointed by department administrative leaders. This will allow custodians to gain tenure, institutional knowledge and have protection when they make compliance recommendations to non exempt managers. My comment also suggests annual IPRA and OMA training and a set number of CLE credits.

The public records act should be merged into the IPRA. Digital records and data are the new public records and each row in a database is an individual public record. Some columns of a database may need to be shielded to protect privacy or any exempt materials, but should be provided to the public in a standard readable format such as .txt, cvs, xlxs, doc along with the database schema. Agencies should not claim that exporting data queries in standard open formats is covered by the creating a new document exemption. It's

a simple conversion from often pricey proprietary software and any any all software agreements needed to require a standard format option for public access without having to purchase software simply to collect and review records already entered in the course of an agencies daily routines. And the lawyers need to consider removing requests that are unconstitutional, like for commercial or political use. The data belongs to the people not to an agency.

The Task Force should review the Public Records Commission website and its commitment to training and public service and perhaps invite members to address this task force on ways they can help custodians comply and identify administrative solutions.

I'm also attached several papers and guides. The are excellent references that provide insight on the value of open data, problems with over use of trade secret assertions by private entities without demonstrating actual harm and concerns about the emerging use of nondisclosure agreements signed behind closed doors with economic development incentives and public resources before the public is notified and after citizen engagement is deferred as deals become too big to fail. Additionally, government agencies should be required to make annual reports regarding the actual return on investment and number of jobs created; not promised at the end of a project. The state auditor should require agencies to adopt the Government Accounting Standards Boards Order #77 - an Accounting Rule that requires state and local governments to disclose the tax revenue they lose due to corporate incentives and tax breaks in a clear and consistent manner and published on their websites. The agencies should also provide the auditor an inventory of databases they own and manager as part of the daily routine tasks and data entry of their agencies. The auditor can then publish a catalog of government databases online and reviewed during annual or biannual audits.

Thank you for considering these additional comments in your discussions on September 16.

I'm also providing the attached papers and guides. Each are an excellent reference for members of this task force to read and consider, including the value of open government data, overuse of trade secrets and the emergence of nondisclosure agreements between private entities and elected officials and government staff.

If these resources are helpful I have hundreds of academic papers and guides I can share with task force members reference on most topics. Just call or email and ask about a topic you are interested in and I will search my growing catalog of trusted material.

ICYMI - this was my editorial cartoon in Sunday's ABQ

Best Regards,

Peter St. Cyr
Independent Journalist and Open Government Advocate
Former NMFOG Executive Director
2015 Dixon Award Recipient
Concerned Citizen
(505) 319-3237
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Attachments (6):

2018-12-25-The Data Value Chain Moving from Production to Impact.pdf
Data for good.pdf
open-government-plan-6.0.pdf
Peter St Cyr_Editorial Cartoon.jpg

Privatization and Trade Secrets_2019 (1).pdf
Sticks-and-Compliance-Cuillier.pdf

Comment-303 *Mail · Sep 16, 2026, 12:00 AM*

Donald G. Wiklund
General Public
Staffing-Workload Requestor-Vexatious Requestor-Impede Statute-Burdensome

FORMAL ADMINISTRATIVE REFORM CLAIM & PUBLIC COMMENT

SUBMITTED BY:
Donald G. Wiklund
168 Riverside Road
Timberon, NM 88350
Don.wikiund@gmail.com
915-449-1200
Resident of Timberon, Otero County, New Mexico

DATE: September 8, 2026
TO: Madeleine Zaraitsky
- The New Mexico Department of Justice IPRA Task Force
- The Office of the New Mexico Attorney General

Subject: Urgent Request for Legislative IPRA Reform to Stop Vexatious Sabotage of the Timberon Water & Sanitation District

Dear Attorney General, Task Force Members, and Honorable Legislators,

I am writing to urgently request targeted legislative reforms to the New Mexico Inspection of Public Records Act (IPRA). While IPRA remains a vital pillar of democratic transparency, the absence of statutory safeguards against bad-faith, high-volume harassment is being actively weaponized to sabotage public infrastructure. In our unincorporated community of Timberon, New Mexico, this unchecked loophole is on the verge of collapsing the Timberon Water & Sanitation District, threatening the safe drinking water of nearly 1,000 residents and roughly 1,300 water meters.

Our water district is currently being paralyzed by a continuous barrage of frivolous IPRA requests filed by a small minority of four or five individuals. These individuals are former board members and managers who were democratically voted out after mismanaging our community's resources and leaving behind over half a million dollars in unpaid debt. Out of power, they have turned to IPRA as a tool of administrative retaliation and community manipulation.

Chief among the individuals orchestrating this campaign is Michael Gonzalez, a former board member and former chairman of the water board. During his tenure in leadership, Mr. Gonzalez fired the sitting general manager and directly assumed the role of general manager himself-consolidating administrative control before failing in the role and being removed from power by the community.

Mr. Gonzalez resides within the physical boundaries of the Timberon area but lives completely off the grid in a location with no water or electricity available. He has chosen this off-grid lifestyle by personal preference and is explicitly proud of the fact that he does not rely on local utility infrastructure. Yet, despite having no personal reliance on our community water system, he continues to flood our district office with public

records requests.

Furthermore, Mr. Gonzalez is vehemently opposed to the district's operational funding and has joined a lawsuit challenging the legality of our Facilities and Services fees. These fees-a modest $30 a year per lot-were specifically designed to preserve critical community assets, including our roads, trash service, fishing lakes, golf course, and swimming pool. Mr. Gonzalez regularly enjoys the use of these community amenities but refuses to pay the fees to maintain them.

While he served as general manager, he actively weaponized his position to avoid enforcing or collecting these fees, attempting to eliminate them entirely in a direct conflict of interest with the financial health of our district.

His ongoing IPRA campaign, paired with toxic social media attacks against our board, management, and field workers, has completely destroyed workplace morale and administrative continuity. This systematic attack is breaking our volunteer board members and field crew. As exhausted staff quit under the pressure of this harassment, there is zero historical knowledge passed down to incoming personnel. Our office staff is trapped in a loop of basic onboarding, unable to complete training for core administrative duties because their time is entirely consumed by Mr. Gonzalez's records requests.

This disruption is paralyzing our office and directly jeopardizing our grants, as well as our ability to meet strict operational guidelines with the New Mexico Finance Authority (NMFA) and the USDA. Our General Manager no longer has an information officer to handle these inquiries, and no other staff members possess the specialized skill set to navigate them. As a direct result, she is forced to personally answer these requests instead of performing her executive duties. This has paralyzed her ability to complete requirements for existing USDA loans, halted applications for new federal infrastructure grants, and caused her to miss critical budget deadlines imposed by the NMFA.

The consequences of this weaponized harassment have created a devastating, compounding financial crisis for the people of Timberon:

- Stagnant Resale and Land Markets: The real estate market here has ground to a halt; nothing is selling. Timberon has a heavily elderly retirement population. Due to high altitude and shifting health concerns, many senior residents desperately need to sell their properties and liquidate their equity to fund medical care or relocate to lower elevations. This artificial, administrative contention has left them completely trapped.
- Destruction of Tourism: This campaign of harassment relies heavily on highly negative social media misinformation. These posts have tricked outsiders into believing Timberon has no water at all. In truth, we have a very good, secure source of water-it is simply our aging distribution system that needs the focus of our engineering resources.
- Harm to a Peaceful Community: The vast majority of our community loves it here. People invested in Timberon because of its peaceful tranquility and beautiful surroundings. Now, they are surrounded by artificial conflict and severe financial consequences because we are literally on the brink of collapse due to the efforts of a few misguided people.

The overwhelming majority of Timberon wants to see this community flourish. We fully support our water department and the incredible progress they have made with very limited resources, all while enduring a relentless barrage of personal attacks.

The New Mexico Inspection of Public Records Act was fundamentally designed to protect the citizens of New Mexico. It was built to offer consumer protections, safeguard against government overreach, and eliminate

a lack of transparency. It was absolutely never designed or meant to paralyze small municipalities and unincorporated utilities, to limit the livelihoods of live citizens, to lower our property values, or to ultimately lower the tax amounts that the county and the state collect from our community. The effects of this abuse are multifold and far-reaching, and it needs to be addressed immediately.

To restore balance and protect vulnerable, small utility districts across New Mexico from this systemic abuse, I urge the Legislature and the Attorney General's Task Force to champion and codify the following targeted IPRA reforms:

1. Strict Limits on Request Frequency and Volume: Establish statutory caps on the number of requests an individual or coordinated group can file with a single public entity within a given month. Small, rural districts with single-digit administrative staffs cannot survive the same request volume as well-funded state agencies.
2. Immunity and Protection from Fines for Inherited Missing Records: Public entities must be explicitly protected from statutory fines when requested historical documents are missing or were destroyed by previous administrations. Ironically, the individuals currently inundating our office with requests ordered the mass shredding of historical records during their tenure. Our current staff is being forced to waste hundreds of hours searching for non-existent documents simply to avoid steep compliance fines.
3. Statutory Relief from Vexatious and Frivolous Requests: Create a clear legal mechanism allowing public bodies to seek administrative or judicial relief from 'frivolous' or 'harassing' requests. If a requester's clear intent is to disrupt everyday administrative operations rather than obtain genuine public information-or if they hold no material interest as a consumer of the utility-an agency should have the right to deny or delay the request.

IPRA was enacted to foster an informed electorate, not to allow disgruntled actors to legally bankrupt a community's water supply and sabotage its access to state and federal funding. Without these commonsense guardrails, our General Manager and remaining staff will resign, forcing the utility to shutter and leaving an entire New Mexico community entirely without water.

Thank you for your immediate attention to these urgent, necessary reforms to protect small public entities from administrative warfare.

Sincerely,

Donald G. Wiklund
Resident of Timberon, New Mexico

Comment-304 *Email · Sep 16, 2026, 3:06 AM*

Peter St. Cyr — Journalist
Media

RecordAccess-Strengthen ProactiveTransparency Staffing-Budget Staffing-ProfessionalStandards DataCollection Enforcement-LackOf

Madam Chair
IPRA Task Force Members

Greetings,

I would first like to acknowledge the task force members for your volunteer time and work as an appointed stakeholder. The summer listening tour was a good start toward understanding the challenges that records custodians and members of the public face requesting and processing public records.

In my view, the metrics being presented as rational for reforming the IPRA model, a steep increase in requests and growing backlog of requests, disregard the real crisis with IPRA.

The real crisis is custodians non compliance with the ACT and their seemingly ad hoc application of agency rules or confidentiality policies when denying records requests.

We heard multiple custodians state their belief they should have discretionary authority to redact and withhold records according to I guess their own views and standards outside of legislative oversight.

This leads to viewpoint opinion and discrimination issues that result in costly litigation and steep damage awards.

The public requestors are not at fault and changing the IPRA to accommodate the personal views of individual custodians and their personal standards to determine what is public is an insufficient basis for modifying our Sunshine Laws.

When I originally learned about HJM2 and the formation of this task force I was disappointed because the people should not have to constantly defend the right to a self governing democracy and public access to records and meetings that provide everyone the ability to be be engaged and ultimately provided the opportunity to inform and shape public policy, identify areas of concern, hold public officials accountable for efficient and economic governance, determine budget allocations and to spot corruption when it occurs.

I would have preferred the task force groups focused on improving financial disclosure forms, developing a lobbyists activity and disclosure policy and to establish open data requirements and statewide data standards.

That said, I decided to keep an open mind through the state listening tour and your open discussions so I would be able to consider other perspectives.

I learned the work of custodians is difficult and their are inadequate resources to assist with an increase in public records requests. I also learned that reforming the IPRA to accommodate records custodians has been a legislative priority for the Municipal League and NM Counties for a dozen years perhaps to protect their public funded insurance pools from costly settlements when their members do not comply with the IPRA.

But I also learned concerns expressed by small city and rural county custodians who have limited staff and limited resources to process an increasing number of complex requests.

As I consider the impact IPRA compliance has on these small entities I thought in some ways that IPRA is, in a way, an unfunded mandate.

So let's fund them and provide access to records, data and meetings as a key principal in our state and nation.

When police and fire departments request extra resources we make sure to provide them what is needed to protect public safety.

Finding administrative solutions to assist custodians is just as essential.

The state has an extra billion dollars in revised revenue forecasts so it should invest in itself and provide stronger support for IPRA at all levels of government including staffing, training and technology license fees for platforms designed to assist custodians and manage public records requests.

I want to state one of my disappointments in the task force's work plan and study, especially the lack of input from any chamber of commerce and their members' right to also access records. No data broker was invited to present their own perspectives and use of government data–often for the social good.

I'm further disappointed that no complete literature review was completed nor any academic scholars invited to present papers and studies showing the benefits of public transparency and how it helps to build trust with citizens.

I recognize the limited time frame and the "unreasonable" Oct 1 reporting deadline but if changes to the IPRA are going to be recommended in the task force's final report then it seems like the group should request a time extension to continue your hard work and continue to study issues that have been raised. An exhaustive study is needed before reforming access provided by IPRA, including a review of third party vendors's products that may provide administrative solutions processing numerous public records requests and providing relief to overburdened custodians.

I'm not alone expecting your report to be through and efficient. NM Attorney General Raul Torrez expressed his own concerns about funding this task force for two years and stated without proper level of funding the task force would not likely not be efficient. His words not mine.

Please don't fold to predetermined priorities. I urge you to ask for a time extension and to continue your hard work, including a review of several emerging trends that block public access to the affairs of government.

The task force needs to consider non-disclosure agreements and the increase of private entities' use of trade secrets and demands to review any public records requests.

While this is an IPRA task force the members should determine recent and troubling OMA rules at the NM PRC and other closed door meetings that provide firms with economic incentives and other government deals before the public is included and when projects are already too big to fail.

There should be a discussion of incentive results in every government's annual financial reports that conform to the Government Accounting Standards Board rule # 77.

If lawyers use of public records instead of discovery rules have contributed to a backlog of public records requests then amend the "otherwise provided by law" exemption and add "… or NM Supreme Court Rules of Evidence."

The task force's discussion of attorney fees, damage awards, and mitigation options is faulty, in my opinion and experience.

Political subdivisions have unlimited legal resources and funding for legal counsel and representation so restricting attorney fees and damages creates an uneven litigation field for most requestors.

Mitigation may only work for limited cases, but courts need to adjudicate exemption disputes, viewpoint discrimination and flat out withholding records based on agency rules or confidentiality policies without legislative oversight.

The NMC public insurance pool already provides their members $75,000 in attorney / litigation coverage.

Rather than present bars and pie charts showing annual increase in requests and breakdown of users by department I believe the task force should study what triggers litigation, when and by whom. Most of the litigation I was able to find did not include data brokers and out of state YouTubers. Most lawsuits were filed by local requestors.

If attorney's requests are legally denied based on a Supreme Court Rule the backlog begins to be reduced.

These backlogs can be further reduced by creating an open data catalog similar to those published by many states who make data freely available online. Data brokers can then search, sort and download data they need and custodians eliminate a big contributor to their backlogs. .

The municipal league and nm counties complaints that their members are being used to create profitable applications by commercial brokers and businesses is woefully misguided.

I suggest the data and records already belong to the people. If the data is collected during the course of a public agencies and employees daily routine work dutiea it is NOT owned by the government. It's the People's Data.

I know that businesses use government data to mitigate their risk to capital, help identify trends, prepare RFP's and even to look at traffic flow reports to identify new sites adjacent to neighborhoods with demographics aligned to their marketing strategies.

Too often the people's data is collected, siloed, and stored on government servers in a dark office basements unused under interagency program management.

There are plenty of examples of data being aggregated and shared by commercial entities in partnership with nonprofits and government programs and used for social good.

Consumers pay lower rates of interest on loans when banks are confident the data Lexis Nexis provides credit agencies is current. When the credit scores come with an asterisk because of challenges collecting this public data interfere with economic trade and financial use.

Records custodians are not tasked with developing commercial applications that benefit the public. They are only required to make the People's Data accessible.

The premise that the government owns the data is wrong and many states now make their data (with privacy safeguards in place) available in online data catalogs and New Mexico needs to catch up to the principles of open by default.

Polls show 90% of adults believe the government is corrupt and trends show historically low trust and confidence in government. But studies show the public overwhelming favors transparency in government.

Scholars suggest that governments who are open see more civic engagements and have started to rebuild trust in their communities.

Speaking of which, IPRA uses the terms "people" and "persons" and not residents or citizens so blocking access to out of state requestors should be a no go.

Some task force members pointed to the 9 states that restrict out of state access and a favorable US Supreme Court ruling supporting restrictions on Virginia, but a majority of states reject that policy restriction and for good reason.

I suggest that residency is a poor proxy for whether someone has a legitimate public-interest reason to seek a record.

A citizens-only rule creates the appearance that a state's records are a benefit reserved for insiders rather than information created and maintained with public authority and public money. It may also damage a state's reputation with businesses, researchers, media outlets, and civic organizations that expect transparent government.

The practical argument for broad access is straightforward: public records often expose issues that local

oversight misses, while the requester's mailing address says little about the value or legitimacy of the request. A broad "any person" standard is the norm nationally, and New Mexico's IPRA follows that approach—state agencies describe the right as belonging to "every person."

Limiting public-records requests to in-state residents makes government information less public, weakens independent oversight, and can shut out people directly affected by a state's decisions.

Although the U.S. Supreme Court held in McBurney v. Young that such restrictions are generally constitutional, they remain a policy choice with significant transparency costs

It's a policy this taskforce and the NMLEG should reject.

This comment is not written or suggested to belittle any professional records custodian but to something to potentially change the current mindset.

I have often daydreamed that we had a central records / data clearing warehouse where all public records were inventoried, tagged, classified and processed for distribution on request.

Imagine if an Amazon warehouse packing employee told managers or Mr Bezos himself that customer "John Doe" was submitting to many shopping orders or expressed their own beliefs on certain products they believed should not be provided based on their own standards.

That employee would be replaced. Public records are public records and custodians don't get to apply their own views or pick winners and losers.

We recognize that some bad players have weaponized IPRA and we can discuss vexatious abuse in rare situations. But providing custodians with options to waive caps and fees for "bona fide" and credentialed commercial media is not a proper option. It allows custodians to pick and chose and discriminate against independent media outlets.

Currently, IPRA does not require a requestor to state a reason for their requests and it should remain protected by law and freedom of speech.

Custodians should consider all requests under the premise of so the requested records provide a public interest, not by commercial or entertainment presumptions.

If a vexatious requestor is not seeking records of public interests a court can provide the agency guidance and proper guardrails. But the cost to justify a request or multiple requests should not be paid by any requestor in most cases.

And regarding non credentialed "bona fide" media we should all agree the government and courts do NOT choose who is and who is not a journalist, especially with the growing independent media landscape and audiences.

My final comment in this updated email is to assist the public narrow the scope of their public records requests. I suggest, the IPRA should require all political subdivisions, agencies, departments to make an annual inventory of the databases they own along with all documents or forms used by personnel in making decisions, processing licenses or permit applications, and a complete inventory of their written policies and agreements with third parties to be published on their websites or included in a searchable records catalog published online. This process will help the public to understand the flow of government records and understand the process used in governance and to narrow their records requests with specific record numbers as features in the agencies inventories and data catalogs.

We just celebrated America 250 and I do not support and recommendations that may weaken our liberties

and rights to a self governing democracy.

I urge you to delay the task force's report and request more time to complete your studies; to include input from other stakeholders and from national scholars. To pursue a review of vendor technologies and platforms available for administrative solutions and not to accept predetermine priorities.

Best regards,

Peter St. Cyr
Journalist and Open Government Advocate
Former NM FOG Executive Director
2015 Dixon Award Winner
505.319.3237
peter.stcyr@gmail.com

Comment-305 *Email · Sep 20, 2026, 10:57 PM*

Angela Womack
General Public
RecordAccess-Strengthen Requestor-OutOfState

Good evening,

I'm writing to express serious concern about the proposal being considered by the Public Records Task Force that would require every requester to prove New Mexico residency and provide identification before accessing public records. While I understand the challenges faced by record custodians, this approach would create significant and harmful barriers for the very people who rely on public records the most.

As someone who has worked as a records custodian and dealt heavily with IPRA requests across the county, I fully understand how overwhelming the workload can be. But adding an additional layer of residency verification and ID collection would not alleviate that burden—it would increase it. Custodians would be responsible for reviewing, validating, and documenting identification for every single requester, creating more administrative steps, more delays, and more opportunities for error. This proposal would make the process more burdensome for both the requester and the custodian.

Requiring residency documentation may seem like a simple administrative step, but in practice it would shut out some of the most vulnerable members of our communities. Individuals experiencing homelessness, survivors escaping domestic violence or human trafficking, and people without stable housing often do not have access to documents like a driver's license, voter registration, or utility bills. Yet these are the same individuals who frequently need public records to secure housing, employment, legal protection, or social services.

Additionally, public records exist so the public can hold the government accountable. Conditioning access on identity verification flips that purpose on its head. It creates a system where the government scrutinizes the requester rather than allowing the requester to scrutinize the government. This undermines transparency, weakens public trust, and contradicts the fundamental intent of open records laws.

The proposal also risks creating a two-tiered system where out-of-state requesters are charged substantial fees, such as the suggested $30 for a government contract. To enforce this, every requester—regardless of where they live—would be forced to prove residency. This is an unnecessary burden that will deter legitimate requests and restrict public oversight.

While I sympathize deeply with overwhelmed custodians, limiting access to public records by imposing identity requirements is not the solution. Transparency should never depend on a person's ability to prove who they are or where they live.

I urge the Task Force and the Legislature to reject this proposal and instead explore solutions that improve efficiency without compromising public access, accountability, or the rights of vulnerable New Mexicans.

Thank you for your consideration.

Sincerely,

Angela C. Womack

Comment-306 *Email · Sep 22, 2026, 8:40 AM*

Marie Russo
General Public
RecordAccess-Accountability EntityCoverage

To whom this may concern,

My name is Marie Russo, and I ask the Task Force to recommend amending the Inspection of Public Records Act to expressly include court-appointed Special Masters within the definition of a "public body" when they are performing official duties on behalf of the judiciary.

I am speaking from personal experience.

After my home was sold through a judicial foreclosure sale, I submitted an IPRA request directly to the court-appointed Special Master. The Special Master was a licensed New Mexico attorney and a former magistrate court judge acting under authority delegated by the district court. My request sought records relating to the performance of his official duties during the judicial sale.

The Special Master did not respond to the request. He did not acknowledge receipt, assert that IPRA did not apply, cite any statutory exemption, or produce any records. He simply ignored the request.

That experience exposed a significant gap in New Mexico's transparency laws.

The Court of Appeals has recognized that a Special Master acts as an arm of the court when carrying out duties assigned under Rule 1-053. Yet citizens have no clear mechanism for obtaining the records documenting those official acts.

The lack of transparency became even more concerning when I reviewed the Special Master's Report of Sale. The report contained no documentary evidence demonstrating that the reported transaction actually occurred. There were no bid sheets, bidder sign-in records, proof of payment, receipts, affidavits from witnesses, or other supporting documentation establishing what took place during the sale. Instead, the report simply stated the outcome without attaching the evidence necessary for public verification.

Before the sale occurred, the Special Master was aware that I had appealed the foreclosure judgment and that I believed the sale should not proceed while appellate proceedings were pending. Nevertheless, the sale was conducted.

From my observation, the Special Master's official actions consisted primarily of reading the Notice of Sale aloud and announcing that the plaintiff had made a bid. If those were the official duties performed on behalf

of the court, then the records documenting those duties should be available for public inspection.

The public should not be required to simply accept the contents of a Special Master's report without access to the records that support it. Transparency allows citizens to verify that judicial sales are conducted fairly, accurately, and in accordance with court orders and New Mexico law.

This issue extends beyond foreclosure cases. Court-appointed Special Masters may conduct judicial sales, manage funds, communicate with parties, prepare reports for judges, and exercise significant authority affecting the property rights of New Mexico citizens. When individuals exercise governmental authority delegated by the judiciary, the records documenting those official actions should be presumed public unless a specific statutory exemption applies.

IPRA is intended to promote transparency and accountability in government. Those principles should not disappear simply because the government delegates important public functions to a court-appointed Special Master.

I respectfully urge the Task Force to recommend legislation clarifying that court-appointed Special Masters are subject to IPRA with respect to records created, maintained, or received while performing their official court-appointed duties. Such an amendment would improve public confidence in the judicial system while ensuring accountability for officials exercising delegated governmental authority.

Thank you for your time.
Sincerely,
Marie Russo
(505) 603-0482
marierusso2004@yahoo.com

Comment-307 *Email · Sep 23, 2026, 11:10 AM*

Samantha Dewey
General Public
Redaction-Privacy Sensitive-Juvenile Sensitive-Victims

Hello,

Thank you for taking the time to take public comments regarding the IPRA's implementation and effectiveness. As we have all seen a huge growth in the volume of requests made and have seen massive growth in putting public records on various types of media whether the news or social media for criminal cases.

One concern I would like the IPRA task force to consider if they are going to look into pushing for amendments in the IPRA law is to protect children witnesses/victims and victims of violent crimes. While redaction does happen on child witness/victims, what they disclose in a forensic interview for a criminal case or testify to in court may become discoverable to the public. This does not protect children from people hearing or discovering what they disclosed or testified which can end up retraumatizing them. We are in an age of technology that things posted online are there forever so if their interview or testimony gets published to the public social media they will always be tagged for that incident. Even as they mature and become adults, the public can always find that and point out 'weren't you that kid that testified about this" etc. Leading to a long term potential affect about something they may want everyone to know about. How can we say we are keeping children safe, they are safe to disclose things that happened etc when we make their testimony and interviews potentially discoverable. If those things could be sealed to the case it is intended to only so that only who has to know should know would offer long term protection. Once the child is an adult, if they

want access to that material then that should be considered.

I would add to that concern of privacy for children to also include victims of violent crimes. Should people be able to get access to photographs, videos, testimony of what a violent crime victim reported or went through to post on social media or the news? Unless that victim gives explicit permission for it to be posted on social media/news then no it should not. There should be some protections that limit the use of what every records the public requests such as not allowing it to be posted on social media or the news. When you interact with police or report a crime or report something terrible happening to you, are you giving permission/consent for it to be able to be posted by media or people on social media? Unless they are giving written consent for that, this should be treated like being on a tv show where you give consent to be recorded and it being published to the public. If we continue to broadcast what people report, what they say etc, then the public may not want to make statements to police, to report things they have witnessed out of fear that anyone in the public can get it. I believe transparency is important for the government and law enforcement but for the public to be callous, inconsiderate, and greedy about posting things to make a wave or a splash is not accountability and transparency, it is taking away the dignity and respect victims of crime should be given to the highest degree.

As the government and law enforcement is to protect its community, that should include protecting the dignity, respect, and privacy of victims of violent crimes and children witness/victims. These concerns should be considered should the task force look at pushing for amendments to IPRA. IPRA was never meant to be this way but technology and society has allowed it to become this.

Comment-308 *Email · Sep 23, 2026, 12:30 PM*

Bradley Spencer — Public Information Specialist, Sierra County Sheriff's Office
Law Enforcement
Sensitive-Victims | Sensitive-Infrastructure | Requestor-OutOfState | Fees-Recoupment

Good afternoon,

Please see the attached.

Thank you,

Bradley M Spencer

Attachments (1):
Sierra County Sheriff's Office Letter to IPRA Task Force Regarding Amending New Mexico's IPRA.pdf

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Comment-309 *Email · Sep 23, 2026, 1:24 PM*

Anonymous
General Public
Redaction-Privacy | Sensitive-Victims

I'd say To Whom It May Concern, but you've already proven you aren't actually concerned about anything in this state.

It is absolutely asinine to require victims to provide documentation with their legal name and new, safe address, when you know full well that that information then becomes a public record in and of itself. This is dangerous, and disgusting, and anyone who cares about the welfare of victims would never have even

considered this as an option.

Stop trying to hurt people and do your [redacted]ing job, which is to NOT make it harder on people who need access to public records.

Thanks so much for your time, have a day

Comment-310 *Email · Sep 24, 2026, 4:33 AM*

Peter St. Cyr — Journalist
Media
ProactiveTransparency DataCollection Requestor-DataBroker

Madam Chair and honorable task force members.

I again offer commet to encourage the task force to ask the NM Legislature for a time extension and to continue its work, including a literature and vendor technology review, to invite other stakeholders like businesses and commercial data brokers to provide input on issues discussed that may impact them and to invite national FOIA and public records scholars to provide the task force with academic contexts before a final report is rushed to the NM Legislature.

Attorney General Raul Torrez stated his concerns about the group's efficiency challenges if the additional funding of $500,000 for two years of research and project staff wages to assist with the study.

He was right.

While we acknowledge the task force members' diligent work and focus over the past few months, we believe the report would be strengthened with a national literature and vendor technology review and a study of results when other states have made changes to their own records laws.

The fact that states have made changes and implemented new restrictions does not add value to the report without understanding how those states laws impacted real world results.

Measuring the increase in requests and difficulties managing a backlog is not the impetus to reform the IPRA model.

The group should continue its work and identify administrative solutions before making any recommendations that will restrict access to public records and the people's right to know.

The predetermined legislative priorities presented by the Muncipal League and NM Counties Association set the direction of the Task Force's work plan and no public suggestions to amend the IPRA in favor of more access were discussed. That should be included in the report and more time is needed to consider ideas to merge sections of the public records act into the IPRA, and other issues like amending the IPRA to require custodians to provide database files in standard public formats readable without buying proprietary software and not be allowed to claim that providing the data records in a standard format like .txt, .cvs or .pdf is creating a new document and thus exempt from disclosure. It is not creating a new document. It is a simple output file conversion.

If the report is going to open "Pandora's box" then the recommendations should include the public's list of improvements and not be limited to custodian complaints.

For instance, a review of non disclosure agreements signed by public officials and the increased use of trade secret exemptions without showing real economic harm to private businesses.

Discussions about vexatious requestors should be considered only when requests are for records not in the public interests and should not limit individuals from filing multiple requests. Capping the number of requests from individuals and not "credentialed" media gives custodians authority to pick and choose winners and that leads to view point discrimination.

Restrictions on records in public databases created by government employees in the course of their routine job duties should be licensed without royalties or new fees under common use laws.

The premise that commercial brokers and others may profit off the database records is misguided. It is not the government's records or data. It is the people's data and should be available on request.

The data should be provided and not stored on a government server in a dark basement office unused for social good or commercial development that ultimately benefits all of us. The government is not in the business of creating applications using the data and custodians already face backlogs simply processing the records.

We listened to proposals to provide grants to political subdivisions to assist with fees associated with technology licenses but the report should include information on how much money should be budgeted for these grants and study how they should be awarded and if additional grants should be considered for other records processing needs and if the grants should be offered annually. It is a great idea but the task force should ask the nm legislature for additional time to develop its report with the info needed to support the recommendations.

We recommend the final report also recommend that every bill introduced should include what information or data the bill may generate and that should be required in the statute to be reported to the NM Sunshine Portal to make information readily available to the public via a Sunshine Portal search.

When possible, we recommend data from the portable should be easily downloaded in standard formats. For instance, a search of risk management settlements only shows one page of 10 or 20 records and does not provide the option for a person to download multiple pages that match their search criteria in one .csv. And the GSD records custodian claims they don't have those records.

We recommend an amendment that would help the public narrow the scope of their requests. Each government agency should be required to inventory their databases and documents used in all decision making processes for license, permit and all other applications including regular documents used internally. This annual inventory should be published to inform the public on records that may specifically be requested and to narrow their broad requests from the start of the process.

We offer comment here to have the task force further study requiring records custodians be hired as classified employees which would remove them from the political appointment process and allow custodians to follow the records law without interference by agency directors and leadership. It also will help to build institutional knowledge inside their agency and allow them to process records efficiently.

We can not comment on a solution to this reoccurring problem with requesters having to refight the same legal battles for records with new records custodians as administrations come and go. But we suggest the task force ask the NMLEG for more time to study the issue and then make recommendations on this issue.

Many agencies are required to produce annual reports for the governor or the legislature and we think the task force should consider a recommendation to require custodians to create an email distribution list from anyone who wants a copy of the reports when they are completed since many are not required on a certain date. Providing the public information in this manner should reduce the number of requests custodians receive and have to process and would be a good service. Something the task force should study if given a

realistic time extension and to include its findings in its final report.

Another comment and suggestion to make the task force's study more efficient and thorough would be a suggestion that would require custodians to work with internal departments and require any forms that have been completed in writing before be changed to digital forms that are automatically added as a row in a database that can be published online for the public to search sort and download without filing a records request. Any columns containing private or exempt material can be easily blocked from public access.

The final report should consider adopting the same policies of open governments in other states who now make all government data and records available online under the principal of open by default standards.

Thank you for your hard work and I hope the committee will ask for additional time to further study the issues before making its final recommendations.

We believe it is never a good time to add new restrictions to records requests. Now is the time to strengthen our sunshine laws and use the states new revenues to support administrative options and records governance.

Sincerely,

Peter St. Cyr
Open government advocate
New Mexico Journalist
505.319.3237
peter.stcyr@gmail.com

Comment-311 *Email · Sep 24, 2026, 7:30 PM*

Joel Klemmer
General Public
RecSys-Requests Fees-Recoupment

IPRA Task Force,

Please consider the following experience and recommendations in preparing your final report. I am Joel Klemmer, a former Gallup-McKinley County Schools employee involved in a separate employment dispute. I am commenting on records access, not asking the Task Force to decide that dispute or an individual IPRA complaint.

In its September 17 acknowledgment of request 26-111, GMCS stated that electronic records would be charged at $0.35 per page, including media costs, with production after payment or waiver. The attached, clearly labeled excerpt documents that stated policy. It does not establish a final invoice, actual production cost, payment, or adjudicated violation.

Please recommend clear guidance distinguishing permissible electronic-production costs from paper-page charges; itemized estimates before costs are incurred; practical access to existing native electronic files; rolling release of completed, releasable records; and clear explanations of withholding and available review. Requesters should be able to understand and challenge a proposed charge without first having to finance an unexplained volume-based estimate.

Adequate records staffing and usable systems matter as well. Guidance should make both compliance and access workable while preserving an accurate record of what was requested, produced, withheld, and

charged.

Thank you for considering this public comment.

Joel Klemmer
joel.klemmer@gmail.com

Attachments (1):
IPRA_26-111_Fee_Acknowledgment_Excerpt.pdf

APPENDIX D

Attachments

This appendix reproduces, in full, file attachments submitted with the public comments in Appendix C. On each page, a rotated note in the left margin identifies and hyperlinks to the corresponding comment.

FROM ACCESS TO CAPACITY: EMBEDDING STAFFING DUTIES IN THE INSPECTION OF PUBLIC RECORDS ACT

By: David Pardo[i]

INTRODUCTION

New Mexico's open records law, the Inspection of Public Records Act ("IPRA"),[ii] is a key transparency tool for exposing waste, fraud, and abuse in government. Originally enacted in 1947 as the "right to know" law,[iii] and then redesignated as what is now known as IPRA in 1993, it recognizes that "a representative government is dependent upon an informed electorate," that "it is declared to be the public policy of this state, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees," and that providing "persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees."[iv] Courts have repeatedly cautioned that "the citizen's right to know is the rule and secrecy is the exception."[v]

And yet, this far-reaching declaration of public policy would be rendered null if agencies could decline to provide adequate resources to meet this mandate. Accordingly, this article aims to do the following:

(i) establish minimum staffing ratios for custodian staff;

(ii) create diagnostic criteria to help agencies justify budget requests and avoid unfunded mandates; and

(iii) enable the legislature, courts, watchdogs, and litigants to identify understaffing as a systemic cause of delay or obstruction.

I. BACKGROUND LAW

Contrary to the federal Freedom of Information Act,[vi] there is a dearth of precedent in New Mexico regarding understaffing issues. This author is aware of at least one case in which a district court found an agency in violation of IPRA because of understaffing. In *Stalter Law LLC v. New Mexico Corrections Department*, Judge Francis Mathew ruled as follows:

> I'm not unsympathetic to the Department's arguments in that this court along with any other state governmental agency has to comply with IPRA and we have had to hire people within the court, assign them duties. Their sole and primary duty is to respond to IPRA. And

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> I certainly understand the budgetary constraints of the governmental agency. I'm involved in the court's budget and the needs of each governmental agency, but the statute and the case law is clear that a citizen has a right to ask for information from a governmental agency and the legislature has seen fit to put parameters and timelines for the governmental agency's response. Clearly that didn't happen in this case. And I think that the only way that we either get the governmental agency's attention or the legislature's attention is to award the appropriate damages and attorney's fees.[vii]

Judge Mathew found the violation merited the maximum $100 *per diem* damages allowable under IPRA, which, pursuant to *Britton v. Office of Attorney General*'s damages continuum, means that the agency's understaffing evinced an "intentional, bad faith withholding" of records, to "reflect the dual objectives of both punishing the underlying violation and deterring future noncompliance."[viii] The agency appealed this result but the parties eventually reached a settlement agreement prior to briefing.[ix]

II. RESEARCH METHODOLOGY AND RESULTS

Data for this article came in three waves of IPRA requests, to approximately fifty New Mexico agencies: on October 11, November 9, and December 6, 2025. The language of the initial request across all waves was as follows:

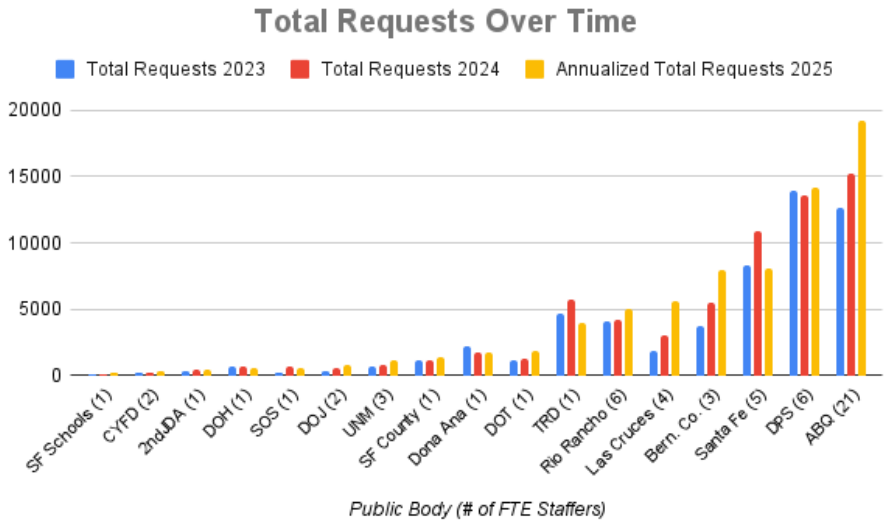
> I request records sufficient to show the following:
>
> 1. The number of IPRA requests received in 2025 (as of the date of this request), 2024, and 2023;
> 2. The number of full time equivalent staffers assigned to processing IPRA requests, not including attorneys whose sole task as it relates to IPRA is approving releases or withholdings; and
> 3. A list, log, or database printout (as provided for in NMSA 1978, 14-2-9(A)) that shows all open IPRA requests as of the date of this request that are older than 45 days, which includes the following information: requestor's name and contact information, the text of their request, and the date it was received.

The basis for the request for full-time equivalent staffers was to determine the optimal number of requests per staffer. But because each agency is different (some may receive many requests but handle lower volume ones, while others may spend lots of time redacting videos), another method was needed to intelligently determine the ideal burden placed on staff. This is where the third portion comes in, at least partially–the request for backlog data. A nominal 45-day threshold was chosen, to signify that if a request was still open by then, it was arduous

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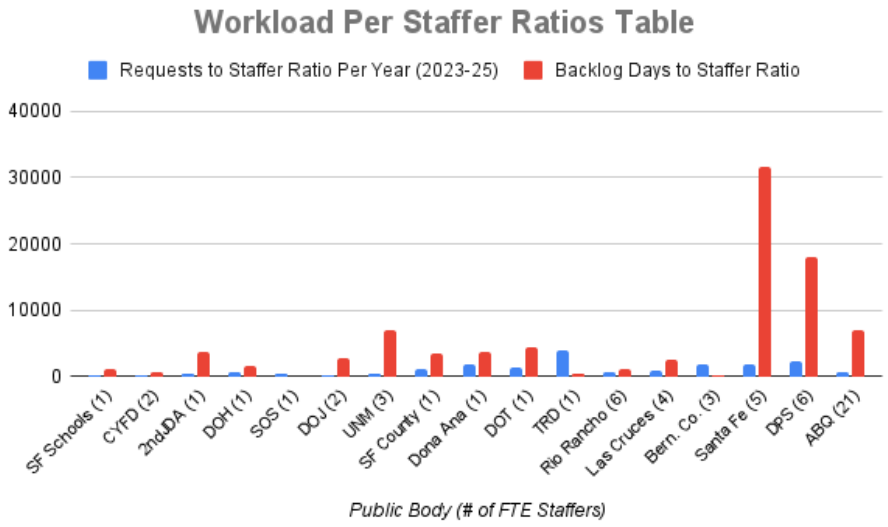
enough to burden the agency with a backlog, which not all agencies had. In tallying up all the delays in the number of days lapsed for open requests beyond 45 days, a “backlog day” number emerges, which, when divided by the number of staff, represents roughly the additional strain backlogs place on staffers. However, absent detailed analysis and weighting of the *contents* of the backlogs (which is beyond the scope of this article), this number cannot meaningfully level the playing field. Figures for 2025, since they were obtained prior to the end of the year, have been annualized for all of 2025 based on average rates.

Onto the results.



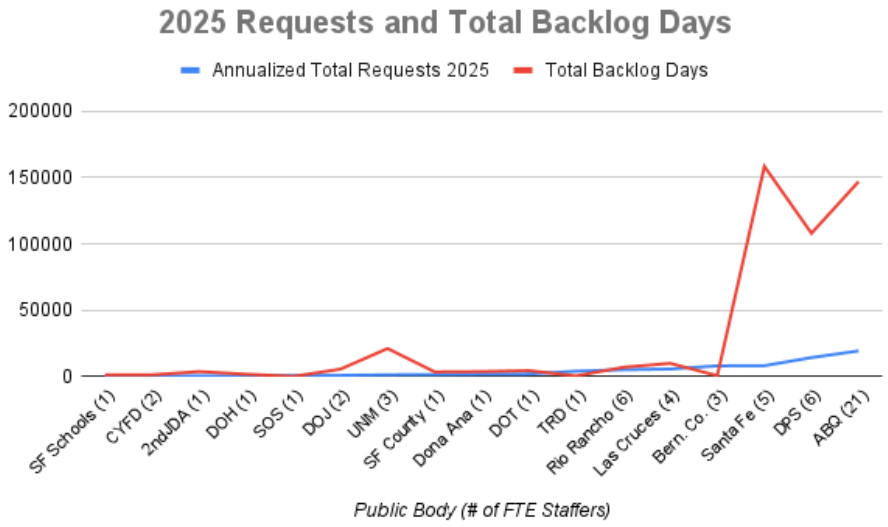
Across agencies, IPRA requests rose from 2023 to 2024 and continued upward on an annualized basis in 2025. Big municipal custodians like Albuquerque handle far more requests than small state offices, with mid-sized local governments (Santa Fe, Bernalillo County) in the middle. This steady growth suggests planning should look at multi-year averages, not one-year spikes.

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When one divides requests by the number of staff assigned, most agencies look steady at lower ratios. But once workloads climb into the high hundreds per staffer, stress becomes visible—especially for small teams with heavy volumes. Backlog days per staffer rise sharply in that range. Because agencies vary in complexity, this ratio isn't a hard rule, but it is a useful warning sign.

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The backlog charts shows that not every high-volume agency falls behind, but when delays do occur, they are concentrated among custodians already running high annual requests and request-to-staff ratios. That pattern points to a practical trigger for adding capacity or improving workflow.

Taken together, the data suggests there is a point where manual processes start to break down. Around 400 requests per year looks like the range where risk increases. Agencies approaching that level may want to start thinking about options, whether that's staffing additions or technology to keep turnaround times on track. More on those options later in the article.

III. POLICY RECOMMENDATIONS

While the legislature's intent is clear, agencies often cite budget limits, competing priorities, and requests' scope and complexities as reasons that compliance lags.[x] These considerations shape the debate over how to meet statutory obligations. Accordingly, this article recommends the following:

The legislature should codify a "staffing duty clause" in IPRA—requiring agencies to maintain staffing levels proportionate to request volume, with budget requests backing it up. Based on the data analyzed and this author's professional experience, he recommends one full-time equivalent staffer for no more than 500 annual requests.

Next, the legislature should build on *Britton*'s damages continuum and specify that chronic understaffing can evince bad faith withholding.

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Third, the legislature should require agencies to submit annual reports that include:

- The number of custodian staff, and whether it meets the staffing duty clause;
- The average processing time to close requests, with a weighted complexity score for each request; and
- The amount spent by agencies in complying with IPRA, with line items for the number of cases in litigation and amount spent on judgments or settlements.

Finally, based on his experience and the data gathered, this author recommends that agencies adopt IPRA review software to automate processing once annual requests exceed approximately 400 per year.

VI. CONCLUSION

Adequate staffing is the hidden backbone of transparency law. Without it, statutory rights collapse into procedural delays. By annualizing requests, categorizing staffing levels, and diagnosing backlogs, we can transform IPRA's staffing duty from an implicit expectation into an explicit, enforceable obligation, and convert access to capacity.

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[i] The author is a 2008 graduate of Georgetown University Law Center and a 2003 graduate of Embry-Riddle Aeronautical University. He served as a records custodian with overlapping IPRA attorney duties for over seven years at three New Mexico agencies. He is now with the New Mexico Department of Information Technology. He is opining in his personal capacity only and not as a state government attorney. He may be reached at dpardo@outlook.com.

[ii] *See* NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2025).

[iii] *See* 1947 N.M. Laws, ch. 130, § 1.

[iv] *See* NMSA 1978, § 14-2-5 (1993).

[v] *See, e.g., State ex rel. Newsome v. Alarid*, 1977-NMSC-076, ¶ 34, 90 N.M. 790, 598 P.2d 1236.

[vi] *See* 5 U.S.C. § 552 (1966, as amended through 2016). The U.S. Department of Justice publishes an extensive guide to FOIA law which discusses backlogs under "exceptional circumstances" and *Open America* Stays. *See* https://www.justice.gov/oip/doj-guide-freedom-information-act-0.

[vii] *See* Audio tape: Motion hearing in *Stalter Law LLC v. N.M. Corrections Dep't*, D-101-CV-2023-01802 (Sept. 19, 2024) (on file with author).

[viii] *See Britton v. Office of Att'y Gen.*, 433 P.3d 230, 2019-NMCA-002, ¶ 39; *see also* Order Granting Plaintiff's Motion for Summary Judgment Against Defendants and Damages Award, *Stalter Law LLC*, D-101-CV-2023-01802 (filed Oct. 9, 2024).

[ix] *See Stalter Law LLC,* D-101-CV-2023-01802 and A-1-CA-42332.

[x] *See* IPRA Implementation Study Task Force, H.J.M. 2, 57th Leg., 2d Sess. (N.M. 2026) (agency analyses).

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Comments to the New Mexico IPRA Task Force

Strengthening New Mexico's Inspection of Public Records Act:

A Citizen's Case for Enforcement, Modernization, and Proactive Transparency

Submitted to the New Mexico IPRA Task Force

By Douglas Michel

2021 Dixon First Amendment Freedom Award Recipient

dmichel00@gmail.com | 505.796.2992

June 2026

I. Introduction

The New Mexico Inspection of Public Records Act (IPRA) is, in the words of the statute itself, a declaration that "a representative government is dependent upon an informed electorate." It is not merely an administrative convenience or a courtesy extended to curious citizens. It is a foundational democratic instrument: the mechanism by which New Mexicans can scrutinize the workings of government, hold public officials to account, and participate meaningfully in self-governance.

I submit these comments as a private citizen, a foster parent navigating a complex state child welfare system, and the 2021 recipient of the New Mexico Foundation for Open Government's Dixon First Amendment Freedom Award. I have filed hundreds of IPRA requests across state and local agencies, including the Children, Youth and Families Department (CYFD), the Human Services Department, now the Health Care Authority (HCA), the City of Albuquerque, Bernalillo County, and the Second Judicial District, and have pursued litigation to enforce compliance. I have also written and published proposals for IPRA reform, including an October 2023 op-ed in the Santa Fe New Mexican. I bring to this process not theory, but sustained, multi-agency experience from the requester's side of the counter.

That experience gives me a comparative baseline that is relevant here. I have seen what adequate and good-faith IPRA compliance looks like at agencies that have invested in modern records management systems and trained custodians. CYFD's performance stands out negatively against that baseline, reflecting not an isolated complaint but a documented, longitudinal pattern across dozens of requests spanning multiple years.

My core argument is this: the public debate framing IPRA reform as primarily a response to volume overload from data brokers and out-of-state requesters is

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incomplete and risks obscuring a more urgent problem: systematic agency non-compliance with existing law. That non-compliance harms everyday New Mexicans, undermines democratic accountability, and costs taxpayers money in litigation and settlement payouts.

At its core, this submission advances one central proposition: New Mexico can simultaneously reduce agency burden and strengthen transparency through mandatory proactive publication, meaningful enforcement mechanisms, and modernized records management practices. These goals are not in conflict. Properly implemented, they reinforce one another.

The solution is not to restrict access. The solution is to modernize delivery, mandate proactive publication, enforce compliance with real consequences, and build the training and metrics infrastructure necessary for evidence-based reform.

These comments are organized around five areas: (1) the composition and framing concerns surrounding the task force itself; (2) the case against restriction as a response to volume; (3) the case for proactive publication as the primary reform vehicle; (4) the need for enforcement, metrics, and custodian accountability; and (5) specific legislative recommendations.

II. The Task Force: Composition and Framing Concerns

Before turning to substantive reform proposals, I raise two threshold concerns about the task force itself: who is at the table, and how the problem has been framed from the outset.

A. Absence of Everyday Citizens

The eight-member task force, as constituted by House Joint Memorial 2, consists entirely of institutional representatives: government agencies, professional associations, advocacy organizations, and attorneys. No seat was reserved for an ordinary New Mexican who uses IPRA not as a professional tool, but as a citizen seeking to understand how government decisions affect their life.

As journalist Heath Haussamen observed when the task force composition was announced, IPRA's own text declares it exists to serve "all persons" entitled to "the greatest possible information regarding the affairs of government." A task force whose mission is reforming that law but which includes no voice from those everyday persons has a structural blind spot from the start. The organizations represented, however well-intentioned, do not experience IPRA the way a foster parent, a wrongly convicted person, or a neighborhood activist does. I urge the task force to weigh citizen testimony heavily and ensure its final report explicitly addresses the experiences of individual requesters, not merely those of institutional stakeholders.

B. The Framing Problem on the NMDOJ Task Force Website

The official NMDOJ task force webpage opens with several paragraphs documenting the agency burden problem: doubled request volumes, out-of-state requesters,

commercial data brokers. It devotes comparatively little attention to concerns about weakening public access protections. This asymmetry in framing is not neutral.

The public comment form on the same page prompts respondents to share thoughts on "modernizing New Mexico's public records law," framing reform as an already-determined direction rather than an open question. HJM 2 was fast-tracked through the final day of the 2026 session and brought to the Senate floor without committee hearings, an unusual procedural path for legislation of this significance. Institutional stakeholders generally possess greater access to the legislative process and sustained representation than individual citizens. That imbalance should remain front of mind as the task force weighs competing interests.

III. The Real Crisis Is Non-Compliance, Not Over-Access

The dominant narrative in many agency-side discussions is that IPRA has become unworkable because of request volume. While volume is a genuine operational challenge, it risks distracting from a more fundamental problem: many New Mexico agencies are not complying with IPRA's existing requirements, and there are few meaningful consequences when they fail.

I do not doubt that many records custodians operate under genuine staffing, technological, and administrative constraints. Many agencies likely lack modern records management systems, standardized retention practices, or sufficient personnel dedicated to IPRA compliance. Those operational realities are real and deserve consideration. But they strengthen the case for modernization, proactive publication, and clearer compliance systems; they do not justify weakening the public's access rights under IPRA.

The New Mexico Supreme Court's May 28, 2026 ruling in Albuquerque Journal, et al. v. Board of Education of Albuquerque Public Schools, et al. (No. S-1-SC-40671) addressed these issues directly, ruling that attorney-client privilege does not shield primarily factual investigative reports, that the "matters of opinion" exemption must be construed narrowly, and that agencies have an affirmative obligation to segregate exempt from non-exempt material and release factual portions wherever possible. Agencies routinely invoke exemptions far more broadly than the law permits. The corrective mechanism, litigation, is expensive and slow, available only to those with legal resources.

A. Case Study: CYFD and the Pattern of Statutory Extension Abuse

Central to understanding the non-compliance problem is the mechanism agencies most commonly use to delay: the "broad and burdensome" extension under NMSA 1978 §14-2-10. The statute authorizes agencies to take additional time beyond the initial 15-day response window when a request is broad and burdensome, but it provides no definition of what that standard means, no limit on the number of extensions that may be invoked, and no maximum total duration. Agencies are left to self-certify that a request meets the standard, with no external check on that determination short of litigation. In practice, as

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the examples below illustrate, the phrase has become a default institutional response applied reflexively regardless of a request's actual scope or complexity.

I offer documented examples from my own IPRA experience with CYFD as concrete illustrations of what systematic non-compliance looks like in practice. These are not isolated incidents. They reflect a consistent institutional posture across multiple requests, spanning multiple years, involving requests of widely varying scope.

The CIO Requests: A Longitudinal Pattern

To illustrate CYFD's compliance pattern concretely, I submitted a series of requests for communications to and from a single CYFD employee, the agency's Chief Information Officer, across multiple time windows between August 2025 and January 2026. The scope of these requests varied considerably: one covered a single day, one covered five days, and others covered windows of sixteen, seventeen, eighteen, and sixty-three days respectively.

Every one of these requests, regardless of scope, was designated "broad and burdensome" and met with consecutive §14-2-10 extensions using substantially identical boilerplate. The designation was applied to a one-day request with the same language used for a sixty-three-day request. Scope, it appears, is irrelevant to CYFD's assessment.

As of June 2026, five of the six requests remain outstanding, collectively covering nearly four months of one employee's communications filed between August 2025 and December 2025, with current deadlines extending as late as July 31, 2026. The one request that did produce records, the single-day window, took two months and arrived with redactions citing seven separate statutory and regulatory authorities, including the exemption for sensitive IT systems information under NMSA 1978 §14-2-1(J).

That last detail warrants attention. The employee in question served as CYFD's Chief Information Officer during the agency's repeatedly delayed implementation of a federally mandated child welfare information system known as CCWIS. The breadth of redactions applied to even a single day of his communications raises a question the task force should consider: when an agency invokes exemptions as broadly and reflexively as the record here suggests, and the corrective mechanism is litigation that most citizens cannot afford, what check exists on that behavior? The New Mexico Supreme Court answered part of that question in Albuquerque Journal v. Board of Education of APS (No. S-1-SC-40671), ruling that agencies must segregate and release factual portions of records rather than withhold documents wholesale. But a court ruling only helps those who can get to court.

The Foster Parent Reimbursement Request (April 7, 2026)

On April 7, 2026, I requested CYFD's internal policies, procedures, and guidance governing foster parent reimbursements. CYFD administers a structured reimbursement program involving maintenance payments, mileage reimbursements, and formal processing systems staffed by identifiable employees. I sought the internal guidance by which those employees evaluate, approve, deny, and process reimbursement claims.

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The custodian's initial response stated that because I had not identified the individuals, positions, or business units believed to hold the records, the agency could not guarantee it would locate all responsive materials. This language effectively shifts the burden onto the requester to identify the agency's own internal organizational structure before a records search can be completed. IPRA does not require requesters to know which individual employees or business units possess responsive records.

When I later identified specific employees involved in reimbursement processing, the agency responded that it was unclear whether I intended to limit the scope of the request. When I subsequently sent a detailed May 15 letter specifying four categories of records and identifying relevant personnel, the custodian's May 29 response stated that my "additional specificity has not materially narrowed the scope of presumptively responsive records." Given that the follow-up correspondence identified specific employees and record categories, the response raises broader questions about whether agencies are consistently applying clarification and narrowing practices in good faith.

The custodian also directed me twice to a public CYFD webpage as a purported response to the request. I reviewed that webpage thoroughly. It contained foster care licensing standards and general program information, but not the internal reimbursement processing guidance requested. A general reference to a webpage that does not contain the requested records is not a compliant IPRA response.

As I noted in my correspondence with the agency, either the internal guidance exists and must be produced, or it does not exist, in which case that absence is itself a matter of public concern. A structured financial reimbursement program affecting foster families across New Mexico should operate under documented guidance and procedures. The absence of such documentation is not merely an IPRA compliance failure. It is a governance failure.

B. The Enforcement Gap

Both categories of requests illustrate the same structural problem: §14-2-10 extensions are effectively unlimited in practice. The statute authorizes "additional time" without establishing a maximum total duration or meaningful enforcement mechanism. In the absence of those limits, agencies have little institutional incentive to prioritize IPRA compliance over competing workloads. The only meaningful remedy available to requesters is litigation, a process that is expensive, time-consuming, and inaccessible to most New Mexicans.

I have previously filed suit against the Human Services Department, now the Health Care Authority (HCA), for IPRA non-compliance after the Attorney General's office found the agency in clear violation and urged compliance, a determination the agency ignored, leaving litigation as the only remaining option. That litigation took nearly four years to resolve through settlement, finally concluding in May 2025. I have also filed complaints with the Attorney General's office regarding CYFD requests. These are not realistic tools for most citizens. The task force should ask: what recourse does an ordinary New Mexican have when an agency repeatedly delays compliance? Under current law, the practical answer is often none short of litigation. As my experience demonstrates, litigation can consume years.

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Recent public cases illustrate that these problems are not isolated incidents. The New Mexico Corrections Department paid $112,000 to settle a public records lawsuit in early 2026, and the New Mexico Foundation for Open Government filed suit against the Department of Public Safety over records delays in late 2025. These cases reflect broader structural weaknesses in enforcement and compliance that no amount of volume management will resolve.

IV. Proactive Publication: The Primary Reform Vehicle

The agency-side argument holds that IPRA has been overwhelmed by volume, particularly from commercial data brokers and out-of-state requesters who monetize public records. I do not dispute that this burden is real. But restricting access treats the symptom by harming the patient. The better solution is to reduce repetitive request volume through proactive publication.

A. The Proactive Publication Proposal

New Mexico should amend IPRA to require agencies to proactively publish:

1. All records in categories that exceed a defined request-frequency threshold;
2. All records requests received by the agency, including filing date, general subject matter, and status;
3. All correspondence between agencies and requesters regarding those requests; and
4. All responsive records already produced in redacted form.

Redactions present no new challenge under this model. Records are already redacted based on content, not based on the identity of the requester. An exempt portion is exempt regardless of who requests it. Proactive publication simply means posting the output of work agencies are already required to perform rather than repeatedly reproducing the same process for duplicate requests.

B. How This Addresses the Data Broker Problem

Proactive publication directly addresses the commercial data broker issue without weakening public access rights. Under the current system, a data broker who knows what to request obtains records that are technically public but practically unknown to most citizens. The commercial advantage lies in being first: harvesting, packaging, and reselling information before the general public is aware it exists or before any other requester thinks to ask. Sophisticated requesters with dedicated staff and financial resources can sustain this informational head start systematically, across multiple agencies and record categories, in ways that ordinary citizens cannot.

Proactive publication eliminates that exclusivity while preserving legitimate value-added analysis, aggregation, and reporting. The competitive advantage shifts from access to analysis. That is a healthier and more democratic framework. If records are equally available to all members of the public at the same time, no requester profits merely from being first in line.

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C. The Secretary of State Model

This model is not theoretical. The New Mexico Secretary of State already proactively publishes campaign finance filings, voter registration statistics, and election results without waiting for individual IPRA requests. Those records are genuinely public, request volume for them is minimal, and the model demonstrates that proactive publication serves both transparency and operational efficiency. Other agencies should follow it.

D. Statutory Clarification for Personally Accessible Records

A narrow category of records is accessible only to the subject of the record or their legal representative. Those records should be excluded from proactive publication requirements while preserving the agency's obligation to respond promptly to eligible requesters. The statute should clarify this carve-out explicitly to prevent agencies from improperly expanding it to broader categories of public records.

V. Custodian Training, Metrics, and Enforcement

A. Mandatory Custodian Training

Mandatory initial and periodic training for records custodians should be required statewide. Training should address:

- statutory compliance requirements;
- the narrow construction of exemptions;
- clarification obligations;
- records retention practices; and
- the public-service purpose underlying IPRA itself.

Custodians should also receive guidance emphasizing the importance of early clarification and narrowing discussions with requesters. Many disputes over "broad and burdensome" requests could be substantially mitigated through prompt communication during the initial response period. A custodian who contacts a requester within the first three business days to discuss scope can often transform a complex request into a manageable one, benefiting both the agency and the requester. The failure to seek clarification, followed by a reflexive §14-2-10 extension, is a pattern that training should explicitly address.

Current law permits agencies to publish organizational information but does not require it. IPRA should be amended to mandate quarterly publication of organizational charts, including the names, titles, email addresses, and phone numbers of personnel down to the level at which the public interacts with the agency. This is a matter of basic organizational transparency, not a prerequisite for filing a valid records request. The burden of identifying which employees or business units hold responsive records remains with the agency, not the requester.

B. Agency Policies and Procedures for Records Management

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Every agency should document in writing its procedures for receiving, tracking, assigning, reviewing, redacting, and responding to IPRA requests, and make those procedures publicly available. As the foster parent reimbursement case study illustrates, the absence of documented internal guidance is not merely a records problem, it is evidence that consequential decisions affecting vulnerable citizens are being made without documented standards.

C. A Comprehensive Metrics Framework

New Mexico lacks a consistent statewide compliance measurement framework. IPRA should require annual public reporting of:

- total request volume;
- response times;
- extension frequency and duration;
- clarification rates and their effect on response time;
- staffing levels and salary costs devoted to IPRA compliance;
- complaints filed with the Attorney General and outcomes;
- litigation and settlement costs; and
- year-over-year changes in request volume following proactive publication implementation.

These metrics would allow legislators, agencies, and the public to assess performance using evidence rather than anecdote. They would validate legitimate agency burden claims with real data, identify high-performing and underperforming agencies, and create public accountability that is visible to all. Importantly, raw request counts alone should not be treated as meaningful indicators without context. A request for one employee's communications on a single day is not equivalent to a request for a decade of financial records, and a metrics framework that treats them as identical will produce misleading results.

D. Meaningful Enforcement Mechanisms

The current enforcement model is inadequate because it relies primarily on civil litigation. The AG's existing complaint process, while valuable in principle, lacks binding force in practice. In July 2021, the Attorney General's office found the Human Services Department, now the Health Care Authority, in clear violation of IPRA for failing to respond to two of my requests, warning of potential $100-per-day penalties and urging immediate compliance. The agency ignored that determination entirely. Litigation followed and took nearly four years to resolve through settlement. A finding of violation that an agency can simply disregard is not enforcement. It is a suggestion. The task force should recommend:

1. A statutory cap on total extension duration, specifying a maximum total period beyond the initial 15-day window after which the agency must either produce records or formally deny the request with a specific statutory basis;
2. Meaningful progress updates in extension notices rather than repetitive boilerplate. An extension notice that is word-for-word identical to the prior six

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notices provides no information and does not constitute a good-faith compliance effort;
3. An administrative complaint and enforcement process through the Attorney General's office that issues truly binding determinations, with mandatory agency compliance deadlines and automatic financial consequences for non-compliance, so that a finding of violation compels production without requiring the requester to then pursue years of litigation to enforce it; and
4. Legislative or budgetary oversight mechanisms for agencies demonstrating persistent non-compliance.

E. Technology Modernization and Centralized Access

Meaningful IPRA modernization must include investment in modern records management infrastructure. New Mexico currently has a two-tier transparency landscape: some agencies, including NMDOJ, the City of Albuquerque, and several counties, have deployed web-based IPRA request management platforms that track requests, generate automated acknowledgments, publish status updates, and create auditable records of the entire request lifecycle. These agencies are already more transparent, more accountable, and better positioned to comply with proactive publication requirements than those without such systems.

CYFD represents the other tier. The agency has no dedicated IPRA web portal, no publicly documented request handling procedures, and, as my experience across dozens of requests strongly suggests, no written internal guidance for major administrative functions. This is a state agency with a substantial budget that is simultaneously spending significant legal resources reviewing and redacting records while lacking the basic infrastructure to manage that process efficiently or transparently. The pattern is not unique to CYFD: at the time I filed suit against the Human Services Department, now the Health Care Authority, in 2021, that agency was managing all public records requests via spreadsheet, a practice that contributed directly to the compliance failures the Attorney General's office documented.

The irony is compounded by CYFD's ongoing implementation of the Comprehensive Child Welfare Information System (CCWIS), a federally mandated modernization of child welfare data systems that has encountered repeated delays. An agency investing in complex federal IT modernization while maintaining no IPRA infrastructure has its priorities inverted. Transparency is not a luxury add-on to good governance. It is a prerequisite.

The state should require or incentivize implementation of:

- centralized IPRA request portals for all state agencies, with a phased timeline prioritizing larger agencies and those with high request volumes;
- searchable archives of previously released records, reducing duplicate requests for the same materials;
- standardized metadata practices enabling consistent reporting and metrics collection;
- interoperable digital records systems across agencies; and
- machine-readable publication formats where feasible.

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Smaller municipalities may face genuine cost constraints in implementing these systems. State assistance, whether through shared platforms, grant funding, or centralized procurement, could level the playing field without imposing unfunded mandates on small governments. The goal is a statewide baseline of transparency infrastructure, not a one-size-fits-all requirement that disadvantages resource-constrained agencies. Transparency and operational modernization should be treated as complementary objectives rather than competing priorities.

VI. Summary of Recommendations

1. Require proactive publication of high-demand records, all requests and correspondence, and responsive materials in redacted form.
2. Clarify the narrow carve-out for records accessible only to the subject of the record or their legal representative.
3. Cap total §14-2-10 extension durations and require meaningful, substantive progress updates in extension notices.
4. Require mandatory initial and periodic custodian training statewide, including clarification practices and public-service orientation.
5. Require agencies to document and publicly publish their IPRA handling procedures, as well as all internal policies, guidance documents, and program rules governing decisions that affect the public.
6. Require quarterly publication of agency organizational charts, including names, titles, email addresses, and phone numbers of personnel down to the level at which the public interacts with the agency. Current law permits but does not require this publication. This recommendation closes that gap and establishes a mandatory baseline of organizational transparency.
7. Establish a comprehensive statewide IPRA metrics and annual reporting framework.
8. Strengthen the Attorney General's administrative enforcement mechanism to issue truly binding determinations, with mandatory compliance deadlines and automatic financial consequences for non-compliance, so that a finding of violation compels production without requiring the requester to pursue years of litigation to enforce it.
9. Study and adopt the Secretary of State's proactive publication model as a template for other high-demand agencies.
10. Invest in modernized records management infrastructure statewide, with phased implementation, state assistance for smaller agencies, and a centralized IPRA request portal for all state agencies.

VII. Conclusion

IPRA does not need to be weakened. It needs to be enforced, modernized, and extended into the digital age in ways that simultaneously reduce burden and strengthen transparency. These goals are not in conflict. An agency that proactively publishes records experiences less repetitive workload. An agency with documented procedures, trained custodians, and modern records management infrastructure responds more

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efficiently. An agency whose compliance metrics are publicly visible has stronger incentives to improve.

The volume problem is real. The data broker problem is real. But the solution is not to make public records less public. The solution is to make them genuinely, proactively, and universally available, so that no person or organization gains an advantage simply from being willing or able to ask.

IPRA's promise that representative government depends upon an informed electorate is not a historical artifact. It is a continuing democratic obligation. I urge this task force to honor it.

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Kim "Great White Owl" Murillo
Neo-Shaman; Catholic-Christian; Southern New Mexico resident
Date: 06/22/2026
Subject: Preserve and Strengthen New Mexico's IPRA — A Restorative Justice Imperative

Summary
I support preserving and strengthening the Inspection of Public Records Act (IPRA). Transparency is essential for democratic accountability and for restorative justice: truth-telling about harms and cover-ups is the first step toward healing root causes and restoring public trust.

Local examples that demonstrate need

- Melton v. Block (Otero County D-1215-CV-2025-00757): Public records produced through IPRA validated independent reporting on ethics and accountability; attempts to seal or restrict access highlight the danger of eroding openness.
- Concerned Citizens of Alamogordo v. Alamogordo City Commission: Emerged from alleged IPRA violations and shows patterns of resistance to public scrutiny at the local level.

Key recommendations

1. Preserve broad public access
    - Reject new fees, broad exemptions, and punitive limits on "frequent requesters" that would chill oversight.
2. Maintain and strengthen enforcement
    - Keep the burden on agencies to justify withholding records; retain fee-shifting and damages for violations.
3. Narrow exemptions
    - Ensure exemptions are specific, narrowly tailored, and interpreted in favor of disclosure.
4. Resource compliance without shrinking rights
    - Fund staffing, training, and technology for records offices rather than restricting public access.
5. Add restorative-justice transparency measures
    - Require publication of findings and disciplinary outcomes for misconduct.
    - Fund independent audits of agency compliance with IPRA.
    - Support public education programs on using IPRA effectively.

Why this matters
IPRA is a proven tool for exposing misconduct and enabling community accountability. Weakening the law would protect insiders and erode public trust when transparency is most needed. Strengthening IPRA aligns with restorative justice principles: truth, accountability, and healing.

Requested outcome
Adopt recommendations that preserve broad access, narrow exemptions, strengthen enforcement, and provide resources to ensure timely, effective responses to requests. Reject reforms that create barriers favoring insiders.

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Over the past few years, we've watched something change. It came quietly at first, and then all at once.

In 2020, our public records system was manageable. We were able to meet deadlines while still doing our jobs thoroughly and responsibly. Today, that reality looks very different. From 2020 to 2025, the City of Carlsbad has seen a 208.5% increase in requests. Nearly half (40.5%) come from out-of-state requestors.

What that means is the system is no longer operating under the conditions it was built for.

To put this into perspective, a custodian may receive a request for police video and audio from an incident. On the surface, that sounds simple. In reality, it can involve multiple officers, hours of body camera footage, dash camera footage, and audio recordings. Every file must be carefully reviewed for sensitive or protected information before release. And while that work is happening, the deadlines don't pause, three days to respond, and fifteen days before the risk of legal action.

Given this, the City of Carlsbad supports extending the response timeframe. The current three-day deadline does not reflect the volume or complexity of modern requests. It increases pressure, raises the risk of errors, and places significant strain on staff working to complete these requests correctly.

The City also supports updates to the current litigation process. After 15 days, a requestor may file a lawsuit, but there is no requirement to provide notice or an opportunity to resolve the issue first. Even when staff are actively working on a request, agencies can still face litigation without a meaningful chance to communicate delays or provide updates.

To address this, the City suggests a notice requirement before legal action, a reasonable statute of limitations for claims, and a cap on damages not to exceed $5,000. This maintains accountability while allowing a fair opportunity to resolve issues before litigation.

Another ongoing challenge involves overly broad requests. For example, a request for "all emails" without a sender, recipient, subject, or timeframe can result in thousands of records that may not be relevant.

To improve clarity and efficiency, the City supports requiring basic criteria for email requests, including sender or recipient, subject matter, and a defined date range.

Finally, we have seen an increase in large-scale requests from commercial users, content creators, and out-of-state entities operating at scale, rather than individuals directly involved in a matter. Public records laws are meant to promote transparency and accountability, not to function as an unlimited, resource-intensive system for commercial use.

For this reason, the City supports a clear and reasonable fee structure based on the volume of records released, with fees applied to large-scale, commercial, or non-involved requests. This would help offset growing costs and workload, while maintaining access for the public.

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At the end of the day, this is not about limiting access, it is about sustainability. Without adapting to today's demand, the system risks failing both the public and the staff responsible for fulfilling these requests.

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Quay Dominguez

IPRA Compliance Manager

City of Carlsbad

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Proactive Transparency:

What It Means and What It Could Look Like in New Mexico

Submitted to the IPRA Task Force by Douglas Michel

The Core Proposition

Proactive transparency means agencies publish records before they are requested rather than waiting for individual IPRA requests to trigger production. It shifts the default from closed to open, from "available upon request" to "available to all."

Under the current system, public records are technically available to everyone but practically accessible only to those who know what to ask for, how to ask for it, and are willing to wait. Proactive transparency closes that gap.

What Proactive Transparency Is Not

It is not the elimination of IPRA. Individuals retain the right to request records that fall outside proactive publication requirements.

It is not the elimination of exemptions. Records are redacted based on what they contain, not based on who is asking. The same redaction analysis agencies already perform applies equally to proactively published records.

It is not an unfunded mandate. Agencies already produce these records in response to individual requests. Proactive publication means posting the output of work already being done. While proactive publication does require some technological infrastructure to maintain publication portals and organized archives, those costs are substantially offset by reductions in repetitive records production, legal review, custodian time, and correspondence.

It is not a new concept. New Mexico already demonstrates proactive transparency every day. The Secretary of State proactively publishes campaign finance filings, voter registration statistics, and election results. The Legislature maintains searchable bill tracking systems. Courts publish docket information. State procurement databases post contract awards. These systems work. They reduce records requests. They democratize access. Other agencies should follow the same model.

What It Could Look Like

Tier 1: High-demand record categories

Any record type requested more than a threshold established by rule, informed by agency size and request volume, is published proactively on the agency website. Examples might include salary data, contracts, use-of-force reports, meeting minutes, and budget documents. For instance, if CYFD receives 20 requests in a year for its organizational chart, that chart would be posted online. Future requesters could retrieve it directly without filing an IPRA request. The Secretary of State model proves this works.

Tier 2: Request logs and correspondence

All IPRA requests received by an agency, including filing date, subject matter, and current status, are published in a publicly accessible log. All correspondence between the agency and the requester, including acknowledgments, extension notices, and clarification requests, is included. This creates accountability for response times and extension patterns that is currently invisible to the public.

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Tier 3: Responsive records already produced

Records produced in response to individual requests are published in redacted form so that subsequent requesters can access them without filing a new request. This directly addresses the data broker advantage: if records are freely available to all simultaneously, no one profits merely from being first in line. It also substantially mitigates the vexatious requester problem. The term "vexatious requester" is difficult to define objectively and easily misapplied to citizens with legitimate public interest. Proactive publication makes the question largely moot. When records are already publicly available, repeat requests accomplish nothing. This is a more democratic solution than empowering agencies to decide who qualifies.

Tier 4: Access transparency (for discussion)

Tiers 1 through 3 stand independently. New Mexico could implement proactive transparency fully without what follows, and the task force may choose to do exactly that. Tier 4 is intentionally more ambitious and more controversial than the preceding tiers. It is included not because registration is necessary for proactive transparency to function, but because transparency should be reciprocal.

If government records are public, and requests for those records are public records themselves, it is reasonable to ask whether large-scale consumption of proactively published government data should also be visible to the public. The current system requires IPRA requesters to provide their name, address, phone, and email. That information is itself a public record. Should access to proactively published records be any different?

Written IPRA requesters must provide their name, address, and telephone number pursuant to Section 14-2-8(C) NMSA 1978. That identifying information becomes part of the public record associated with the request. Possible approaches could range from anonymous access with aggregate usage statistics, to optional registration, to mandatory registration for bulk downloads. The appropriate point on that spectrum deserves deliberate consideration rather than default assumption.

The concern about chilling effects is real but may be overstated when the access in question is large-scale commercial extraction rather than ordinary civic use. Few would object to a journalist viewing a report, a citizen downloading a budget, or a parent reading a policy. The harder question is whether different considerations apply when a data broker downloads millions of records, a company scrapes an entire database, or a political organization harvests everything available. Should transparency requirements differ between casual access and large-scale automated extraction? Critics will reasonably argue that public access logs may chill legitimate inquiry by journalists, whistleblowers, and private citizens. That concern deserves careful consideration and may outweigh the benefits of access transparency. The task force may conclude that anonymous access best serves democratic participation. It may conclude that some level of access transparency is warranted. Either conclusion requires first asking the question.

How This Addresses the Volume Problem

The task force has heard extensively about the burden of high request volumes. Proactive transparency is the most direct solution to that burden. An agency that proactively publishes its most frequently requested records eliminates the need for those requests entirely. Fewer requests means less custodian time, less legal review, less litigation, and less cost to taxpayers.

Proactive publication also speeds up response times for records that have already been produced. When custodian work has already been done, records gathered, reviewed, and redacted, subsequent requesters access the published result rather than triggering the full process again. Over time, proactive publication should produce measurable reductions in both request volume and average response time. Metrics can confirm whether it is working.

Restricting access reduces requests by deterring citizens. Proactive transparency reduces requests by making them unnecessary. One serves the public. The other does not.

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The Data Broker Question

Commercial data brokers gain advantage from the current system not because they have special access rights but because they have the resources and expertise to request records that most citizens do not know exist. Proactive publication eliminates that informational advantage without restricting anyone's rights. The competitive edge shifts from access to analysis, from knowing what to ask for, to doing something useful with what everyone can already see.

Access logs under Tier 4 would make commercial extraction visible. If a data broker is downloading proactively published records en masse, that activity appears in the public access log. Transparency about who is using government information cuts both ways: it validates legitimate concerns about commercial extraction while demonstrating whether proactive publication is genuinely democratizing access.

A Narrow but Important Carve-Out

A small category of records is accessible only to the subject of the record or their legal representative. Those records are appropriately excluded from proactive publication requirements. All other records releasable to any member of the public should be subject to proactive publication obligations once request frequency warrants it.

These Ideas Do Not Stand Alone

Proactive transparency does not exist in isolation. Technology enables it. Funding enables technology. Metrics justify funding. Enforcement creates the incentive to invest. Training makes it work in practice. The task force will examine each of these as separate topics, but they are better understood as a single interconnected system. Recommendations that treat them independently will produce incomplete results. A coherent package is more powerful than a ranked list.

The functions described in this framework, including technology standardization, custodian training, metrics collection and analysis, guidance on redactions, and assistance for both requesters and agencies, suggest the need for a central office or ombudsman function that serves all parties. That concept deserves its own deliberate consideration and is noted here as a related topic for the task force's agenda.

The Democratic Purpose

IPRA declares that representative government depends upon an informed electorate. Proactive transparency is the fullest expression of that principle, not records available to those who ask, but records genuinely available to all, without barriers of knowledge, resources, or time.

The question is no longer whether proactive transparency is possible. New Mexico agencies already demonstrate it every day. The question is whether transparency will remain dependent upon knowing what to ask for, or whether government information will become genuinely accessible to all.

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Prior to February 2025, Deming Public Schools received approximately 20-25 IPRA requests each year. Of those requests, roughly 17-19 were from vendors or data collection organizations seeking procurement or operational information. The remainder came primarily from parents, members of the media, and community members.

Beginning in February 2025, the District experienced a dramatic increase in requests due to a single requester submitting approximately 150 requests. Some of those requests were duplicative and sought records that had already been provided. Public access to records is important and should remain protected. However, no law intended to promote transparency should consume so much time and so many resources that it interferes with a public agency's ability to carry out its primary mission. The experience of Deming Public Schools shows how quickly a single requester can overwhelm a small school district or government agency with limited staff and resources.

The Superintendent's Office, specifically the Government Affairs Coordinator, serves as the District's records custodian. Prior to February 2025, the average request required two to three hours to process. Since then, approximately fifteen hours each week have been devoted solely to responding to requests, many involving exceptionally large volumes of records. That does not include the time spent by district staff gathering records or reviewing documents for redactions.

The complexity and scope of these requests have also required extensive involvement from legal counsel. Since February 2025, the District has spent approximately $43,000 in attorney fees related solely to IPRA matters. Those are dollars that otherwise would have supported classrooms, student programs, and other educational priorities.

Small districts often do not have records departments or in-house attorneys. Instead, these responsibilities are assigned to employees whose primary jobs are something else. When one records custodian is responsible for a large volume of complex requests, the burden goes beyond simple compliance and begins affecting the district's ability to educate students.

Transparency and accountability are important, but public agencies have responsibilities beyond responding to records requests. School districts exist to educate children, not to maintain standing armies of attorneys and records specialists. Yet under the current system, a single requester can redirect significant staff time and tens of thousands of dollars away from students and toward compliance costs. That cannot be what was intended when IPRA was enacted.

Historically, requests involved routine matters such as contracts, financial records, procurement documents, and data reports. More recently, requests have included personnel matters, Board records, safety and security information, student discipline records, curriculum materials, surveillance video, electronic communications, financial records, and even maintenance records.

One request involving email communications alone resulted in nearly 30,000 messages that required review and possible redaction. The District has received requests for all email communications among Board members and district leadership, as well as all emails generated by employees at an individual school dating back to 2020, including attachments. Requests have also sought information stored on employee and Board member personal devices.

Many requests require extensive FERPA review to protect student privacy. In addition, the District's primary requester declines to use electronic portals, requiring records to be transmitted by email, making tracking and delivery even more difficult. Under the current framework, school

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districts and government agencies have little ability to manage extremely broad requests, require reasonable narrowing, or obtain relief from duplicative or serial requests. Instead, agencies are simply expected to absorb the burden, regardless of cost, complexity, or the impact on operations.

Deming Public Schools strongly supports government transparency and public access to records. However, several reforms would help ensure that IPRA remains workable for agencies of all sizes:

- Allow agencies to seek clarification or narrowing of requests that are overly broad or burdensome.
- Reevaluate response deadlines for requests involving exceptionally large volumes of records.
- Establish a reasonable statute of limitations for alleged IPRA violations. The Tort Claims Act provides a 90-day notice requirement for claims against public entities. IPRA provides no similar protection, leaving agencies exposed indefinitely.
- Consider a separate process for commercial or data-mining requests that are sent in bulk to multiple public agencies.
- Provide relief mechanisms for agencies dealing with serial requesters whose volume of requests significantly disrupts operations.
- Recognize the unique challenges faced by smaller agencies with one records custodian and limited staff.
- Continue protecting transparency while ensuring that public records laws cannot be used in a manner that becomes harassing or punitive.

Deming Public Schools supports transparency and the public's right to know. However, transparency and accountability should not come at the expense of a district's ability to carry out its mission. Public agencies should not have to choose between educating children and defending against an endless stream of records requests. Public records laws should not be so rigid that they allow a single person or a handful of serial requesters to consume disproportionate amounts of public resources, divert employees from their primary responsibilities, and require taxpayer dollars intended for students and classrooms to instead be spent on legal fees and document production.

The fact that this Task Force exists demonstrates that these challenges are not isolated. Agencies across New Mexico are experiencing many of the same frustrations. IPRA was intended to promote openness and accountability, not to create an endless cycle of duplicative requests, perpetual liability, or opportunities for harassment. Transparency and functionality are not competing values. Both are necessary to maintain public trust.

Deming Public Schools appreciates the opportunity to participate in this discussion and recognizes that the overwhelming majority of records requests are made in good faith. However, good laws require good safeguards. Sunshine laws should promote accountability, not create a system where one person can monopolize limited public resources and redirect time and taxpayer dollars away from students and classrooms. New Mexico has an opportunity to preserve transparency while ensuring that IPRA remains practical, sustainable, and fair for both requesters and the agencies entrusted to serve the public.

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Comment to the New Mexico IPRA Task Force - Staffing and Technology Sessions · July 2026

The Burden That Shrinks When You Measure It

Staffing, Systems, and the Measurement of Burden under IPRA

Submitted to the New Mexico IPRA Task Force by Douglas Michel

I am a New Mexico resident and longtime IPRA requester, and I have submitted comments and framework documents to this task force before. This comment addresses both of this week's sessions, staffing at Gallup and technology at Farmington, in a single submission, because they are the same argument viewed from two angles. The short version is this: the agencies say they are overwhelmed, but the more carefully their burden is measured, the smaller it gets, and the parts that remain are fixable with tools the state already owns. None of it requires restricting the public's access.

A Burden That Cannot Be Measured

Start with the paradox at the center of this whole effort. Agencies describe a records burden approaching crisis, yet when asked to measure it, most cannot. Among the agencies I surveyed, measurement practice is wildly inconsistent: some generate detailed performance reports, some produce only estimates, some keep request-tracking spreadsheets but compute no metrics at all, and several run the very software platforms that generate these figures automatically, yet responded that no such records exist. An agency may be correct that no such report exists, because IPRA does not require a public body to create a new record. But that answer is itself revealing: an agency that has never generated a performance report is not measuring its own records operation, and an operation that is not measured is not managed by any objective standard of timeliness, backlog, or cost. Some agencies may track and manage internally without producing a formal report; the pattern across those I surveyed, however, is that measurement-based management is the exception. A burden that an agency cannot quantify is a burden it is asserting, not one it is demonstrating. This task force should therefore recommend that the Legislature require every public body to track, report, and use a common set of public-records metrics on a standard schedule, so that any future policy rests on measured burden rather than on raw request counts, and it should insist the burden be measured on that standard before recommending staffing, funding, or new restrictions tied to it.

Where The Burden Actually Concentrates

Where the burden has been measured, it turns out to be concentrated, not general. One large municipality's own reporting shows the pattern: after adding front-end triage and large-scale digitization, it drove its backlog below 1,000 requests for the first time in two years, then watched it climb by roughly three-quarters in a single quarter, and attributed the reversal, correctly, to complex video requests. The Municipal League's own 2024 analysis found that body-worn camera requests rose nearly 270 percent from 2020 to 2023, and that their median completion times ran roughly three times those of requests without such footage. The available evidence does not show that ordinary request volume is the principal driver of burden. It shows that a small number of record types, most notably police video, consume a disproportionate share of processing time and cost.

What The Routine Request Really Costs

The routine request, by contrast, has always been inexpensive to serve. IPRA authorizes agencies to charge for copies, yet per-page fees today are seldom collected. And historical billing records tell the

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same story: one agency that formerly itemized staff handling billed a records request at a single minute of staff time, forty-seven cents, and that agency has since stopped charging for such time altogether. My own experience across many requests puts the typical figure in the same range, on the order of one to seven minutes each, occasionally fifteen. That does not establish that every request is cheap; complex video review and large-scale production plainly are not. But it weighs strongly against treating the ordinary request as though it carried the same burden as those few expensive record types.

The Staffing Question Is A Competence Question

So if the routine request costs minutes and the real cost sits in one narrow category, why does the whole system feel overwhelmed? Here is the staffing answer, and it is structural. IPRA requires every public body to designate a records custodian, but it sets no qualification standard for the role: no required training, no certification, no baseline competence in the exemptions that custodian is charged with applying. The same statute that makes the custodian the front-line decision-maker on what the public may see is silent on what that person must know to decide it. Custodians across these meetings described themselves as non-attorneys making legal determinations they were never trained to make. That is not a personal failing; it is the predictable result of mandating the position without defining the competence.

Much of what agencies experience as a staffing shortage is that competence gap wearing a disguise. An unequipped custodian over-withholds, under-searches, and fails to narrow a request's scope early, generating extensions, disputes, appeals, and litigation, each of which consumes far more staff time than the request ever would have. An equipped custodian resolves it at the source. The difference is visible in the work product: where a custodian is properly trained and certified, with a reliable way to resolve genuinely complex exemption questions, it shows in the quality and speed of the response, and where the statute guarantees no such competence, the public is left to hope for it. This is not an argument that every custodian must be an attorney; it is an argument that the role requires a defined, verifiable competence measured by its results, the correct, narrow application of exemptions and proper segregation of factual material, rather than by tenure in the seat. Qualification and training are staffing levers in the truest sense. They reduce burden at its origin rather than absorbing it with new headcount.

The fix should scale to the operation. A qualification and certification requirement keyed to request volume, record sensitivity, and operational complexity would impose a proportionate, achievable standard on a small district handling simple requests, while holding a high-volume operation processing sensitive law-enforcement and video records to a higher one, and would still reach a small agency that happens to hold legally difficult records. The standard should include initial training, periodic recertification, instruction on searches and redactions, and a means of obtaining guidance on complex exemption questions, with requirements scaled accordingly. That proportionality answers the cost concern smaller agencies rightly raise. The task force should recommend that the Legislature establish exactly such a tiered qualification and certification standard for records custodians. And the sequencing matters: before recommending any expansion of custodian authority to deny, extend, or restrict requests, the task force should first define what a custodian must know to exercise the authority they already hold. Defining custodian competence is the staffing reform that precedes all the others.

The Tools Already Exist

That is the staffing half. The technology half is the other side of the same coin, and it is almost encouraging, because the tools to solve the concentrated burden are not hypothetical. They are already

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deployed, and in many cases already paid for, and simply not being used to full effect. This is where the Farmington session should begin: not with what the state must build, but with what it already runs.

The measurement infrastructure, first, already exists in the field. Agencies across New Mexico run commercial request-management platforms, principally NextRequest and GovQA, that log every request, track due dates, and compute response times, fulfillment times, staff time, and cost recovery, generating standardized performance reports on demand. The claim that the state cannot measure its records burden is contradicted by software agencies already own. And the inconsistency I opened with is, at bottom, a technology-governance failure: on the same platform, one agency will generate a full performance report at the click of a button while another closes a request for those very metrics by asserting no such records exist. Same capability, opposite result. Mandating tools is therefore not enough; the task force must standardize what agencies report and require them to produce it. The patchwork is itself the finding.

Proactive publication, second, is a technology answer to the staffing problem, and it is the reform I have urged from the start. Where agencies have published high-frequency categories such as traffic crash reports, request volume for those categories has fallen, because a record published once is never processed again by hand. One large records operation already routes entire departments, planning, fire, and environmental health, to a self-service portal rather than the manual request queue, which is exactly the queue-removal work I am describing, running today in the state's busiest office. A statewide crash-report portal built on the existing state-hosted traffic records system would generalize the result. The task force should recommend that the Legislature mandate proactive publication of high-frequency record categories, with one caution built into the mandate: publication without search and filtering is nearly useless. A posted dataset that cannot be queried by date, party, or subject is barely better than a traditional request. Any proactive-publication requirement should carry searchability and format standards, not merely an obligation to post.

Third, the clearest documented bottleneck is video, and it is a tooling gap, not a headcount gap. The burden agencies describe concentrates in body-worn camera footage, and the City Clerk of the state's largest records operation states plainly that such footage is extremely time-consuming for staff to review and redact. The relevant technology is batch-redaction and batch-release tooling, which some agencies already use at scale and others lack entirely. The task force should recommend targeted state funding for video-redaction capacity, which relieves more burden per dollar than either new staff at every agency or any new authority to restrict access. This is the highest-leverage investment the state can make.

On cost, the technology path is also the fiscally conservative one. Shared, standardized infrastructure, common platform standards, redaction tooling, and a competitive records-management grant fund on the New York model, the Local Government Records Management Improvement Fund, or LGRMIF, a state-administered competitive program for local records modernization, delivers more relief per dollar than staffing up more than one hundred local public bodies one at a time, or than enacting new legal authority whose enforcement itself consumes public resources. As the task force has already observed, appropriating for shared capacity is legislatively simpler than raising custodian funding across every local body.

The One Genuinely New Problem

One category of burden in this debate is genuinely new, and the record supports acknowledging it. The issue is not AI-assisted drafting; a person who uses a tool to word a single request more clearly imposes

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no distinct burden. The issue is high-volume automated submission, scripted bulk extraction and repeated filings using fictitious or unusable requester information, that demonstrably imposes incremental processing cost. This is the one place where current law may genuinely need amendment, and it is properly the task force's role to find that and say so. If the task force finds, as the evidence suggests, that automated and commercial bulk filing imposes real incremental costs that IPRA's uniform, purpose-blind fee structure cannot reach, it should recommend that the Legislature authorize a narrowly targeted response defined by objective conduct rather than requester identity: a defined volume or frequency threshold combined with commercial purpose or automation, documented incremental cost, notice and an opportunity to correct or consolidate before any fee attaches, a waiver for public-interest activity, and firm protection against fees ever reaching a person's request for their own records or for ordinary civic oversight. Keying the test to conduct rather than to occupation avoids the intractable question of who qualifies as a journalist or researcher, though those requesters are plainly among those the protections are meant to reach. Addressing that distinct problem directly is what prevents it from becoming a justification for restrictions affecting every requester.

Recommendations

Accordingly, and drawing these together, the task force should recommend: uniform public-records metrics with regular reporting, and an expectation that agencies use them to manage the function; a tiered standard of custodian training, certification, and support scaled to volume, record sensitivity, and complexity; searchable proactive publication of high-frequency record categories; shared video-redaction capacity and competitive modernization grants on the LGRMIF model; and, only where measured evidence establishes a distinct automated or commercial bulk burden, a narrowly defined response, keyed to conduct rather than requester identity, that does not diminish ordinary public access.

Modernization, Not Restriction

So the burden shrinks as you measure it, and then keeps shrinking as you name its parts. What looked like a volume crisis is a single expensive record type. What looked like understaffing is a missing competence standard. What looked like a measurement impossibility is software already installed and not switched on. What is left, automated bulk filing, is narrow and has a narrow answer. At no point does the evidence point toward restricting the public's access. It points toward measuring honestly, defining who is qualified to serve as custodian, and using the tools the state already owns. Modernization, not restriction, is the path the agencies' own data supports, and much of the road is already paved.

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July 2026

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FROM: ProgressNow New Mexico, Albuquerque, NM

TO: IPRA Task Force Members
C/O Adolfo Méndez, Chief Special Counsel, New Mexico Department of Justice
408 Galisteo Street, Villagra Building, Santa Fe, NM 87501

August 4, 2026

Dear IPRA Task Force Members,

On behalf of ProgressNow New Mexico and the thousands of New Mexicans we work on behalf of, thank you for the time and care you are investing in studying the implementation of the Inspection of Public Records Act.

The House Joint Memorial 2 process has already been a victory for participatory government – bringing this conversation to communities from Clovis to Silver City to Farmington – and we write to share our recommendations as your work heads toward the October 1, 2026 deadline.

We are writing in the spirit that animates New Mexicans across every region of our state: a belief in fairness, responsibility, and the fundamental right of ordinary families to know what their government is doing.

IPRA is one of the clearest expressions of those values in our law. It says, in plain terms, that a representative government depends on an informed electorate. That promise is worth protecting and modernizing, but it is not worth weakening.

The law is not broken, compliance is

New Mexicans are rightly concerned when they read, as the Santa Fe New Mexican reported earlier this year, that the Department of Public Safety continues to miss deadlines and assert exemptions that the New Mexico Supreme Court rejected in 2020.

That is not an abstract problem. When a family has to hire an attorney and file suit just to learn why a loved one was stopped on the road, or whether a public school investigation was thorough, the law has failed its purpose, and the failure is governmental, not statutory.

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As one New Mexico attorney put it plainly: "*I don't buy into the narrative that IPRA is broken. I think some agencies and municipalities have made a decision not to allocate the financial resources they need to properly staff their departments.*"

We agree. The choice not to resource records custodians, and modernize the system, is one we believe this task force, and the Legislature, can fix.

Where the pressure is really coming from

Request volume has roughly doubled since 2020, and the data from the New Mexico Municipal League and the City of Albuquerque make clear why:

A meaningful share of that surge comes from commercial data brokers harvesting records for profit, and a significant portion of requests to large departments like APD originate outside New Mexico and even outside the United States.

New Mexicans seeking accountability for their own government are not the source of the strain. Any "reform" that treats them as if they are will erode the very access this task force was created to preserve.

A record worth building on

Open government works in New Mexico when it is defended. The New Mexico Foundation for Open Government has repeatedly stepped in to enforce the law – including in the 2014 Albuquerque Public Schools matter involving a superintendent who later resigned and received a $350,000 buyout.

Our courts have consistently ordered agencies to pay $50 per day in damages, plus attorneys' fees, when they unlawfully delay or deny lawful requests. Those outcomes are not loopholes to be closed; they are the accountability mechanisms that make IPRA real.

Our recommendations

As you draft findings and any proposed legislation, we respectfully urge the task force to anchor its work in the following principles:

1. Preserve the core right. IPRA's text and purpose should remain a strong, pro-disclosure statute. No carve-outs for "sensitive" categories of ordinary public

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business, no shifting of the burden onto requesters, and no new fees that function as barriers to transparency.

2. Fund the people who answer the requests. Recommend dedicated, recurring appropriations for records custodians at the state and local level, including support for smaller municipalities and counties that lack compliance staff today. The bottleneck is staffing, and the Legislature has the tools to fix it.

3. Modernize the technology. Endorse and fund modern records-management systems, e-discovery platforms, and a statewide IPRA portal that lets requesters file, track, and receive responses efficiently – and lets agencies publish records proactively so routine requests never need to be filed at all.

4. Enforce the timelines already on the books. Strengthen, rather than soften, the existing deadlines and consequences. Reinforce the $50-per-day penalty and attorneys' fee shifting so that noncompliance carries a real cost, and direct the Attorney General to publish an annual IPRA compliance report identifying agencies that miss deadlines or assert exemptions in bad faith.

5. Educate the public. Fund NMFOG, the New Mexico Press Association, and allied organizations to provide training and templates so that requests from journalists, community groups, and ordinary New Mexicans are well-crafted and move quickly through the system.

6. Target the bad actors, not the public. Address the commercial data broker problem at its source: high-volume, automated harvesting for resale, and the monetization of public safety footage on ad-supported platforms. Restrictions of this kind should be carefully scoped to protect every right of individual requesters and the press.

7. Maintain access for historically excluded communities. Any changes must be assessed for their impact on the ability of Tribal communities, immigrant communities, people with disabilities, non-English speakers, and rural residents to use IPRA. The law's strength is measured by who can actually use it.

A vision we share

New Mexico's strength has always come from the way our communities show up for one another — neighbors helping neighbors, small businesses supporting one another, traditions and heritages passed down across generations. When the government operates in the open, that ethic of mutual responsibility is reinforced: families can trust

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that their schools are accountable, their police are answerable, and their tax dollars are spent honestly. When the government hides, that trust erodes and so does the sense that we are all in this together.

New Mexicans have shown up at your meetings from one corner of the state to the other. We ask this task force to leave our state with an IPRA that is stronger, fairer, and better resourced.

Please know that the coalition standing behind open government is large, organized, and ready to partner with you on solutions that work.

Thank you again for your service and your stewardship of this process. We look forward to your findings.

Sincerely,



Alissa Barnes
Executive Director
ProgressNow New Mexico
alissa@progressnownm.org | (505) 357-0546

cc: New Mexico Foundation for Open Government; New Mexico Press Association; ACLU of New Mexico

LEAGUE OF WOMEN VOTERS® OF CENTRAL NEW MEXICO

August 4, 2026

Members of the Inspect of Public Records Act Task Force
New Mexico Department of Justice

Dear Members of the Inspection of Public Records Act Task Force:

The League of Women Voters of Central New Mexico would like to thank you for holding hearings on the Inspection of Public Records Act (IPRA) and for the opportunity to provide comments for your recommendations.

The Central New Mexico Chapter of the League is conducting a study on Data Centers and Microgrids in order to form a position for advocacy at the New Mexico Legislature. We have been particularly interested in attending meetings of the New Mexico Energy Affordability and Grid Reliability Council, but those meetings have been closed to public attendance. The council's findings are due in November 2026 and we plan to IPRA their deliberations as soon as they finish their work.

The council was created by executive order, and the member of the governor's staff we spoke with said the council meetings could be legally closed to the public because its creation was an executive order. We are concerned that we will hit the same roadblock when we IPRA the information presented to the council.

We are hopeful that this task force will specifically consider the potential problem of information created under cover of an executive order and revise the law to include this in any recommendations to the NM Legislature.

The League hopes the guiding principle for any review of IPRA should be a presumption of openness, even for councils, committees or task forces that are transient in nature.

Thank you for allowing us to present our concerns,

Respectfully,

Karen Wentworth

Karen Wentworth
VP, LWV Central New Mexico League

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New Mexico Department of Information Technology

Michelle Lujan Grisham
New Mexico Governor
Manny Barreras
Cabinet Secretary

Comment Regarding Digital Communications Records and IPRA

August 5, 2026

Attn: New Mexico Department of Justice IPRA Task Force

The definition of "public records" in the New Mexico Inspection of Public Records Act (IPRA) has not changed since it was created in 1993. However, the way that records are created has changed significantly since that time, particularly digital communications records. In our modern world, communications are primarily digital and, as a necessity of their function, those digital communications leave records which have fueled the rise in state records propagation and demand for public inspection.

Email was invented in 1965, but prior to 1992 and the advent of Multipurpose Internet Mail Extension (MIME), email could not be used by anyone who did not have knowledge of computer coding.[1] Webmail did not become commercially available until 1995, when Lotus released cc:Mail.[2] Instant messaging did not gain popularity until around 1997, with the rollout of America Online's instant messenger.[3] The first ever text message (SMS) was not sent until December 3, 1992[4] but did not expand in popular use until the 2000s.[5]

At the time that the legislature defined public records as "all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained," people had to take an intentional action to create those "records" and they were not simply created as a function of day-to-day communications. Section 14-2-6(H) NMSA 1978. Digital communication has evolved from email into the use of instant messaging and text messaging, which is increasingly taking the place of in-person or verbal communication, due to its convenience and flexibility. The current explosion of generative artificial intelligence (AI) tools is going to exponentially increase this trend. However, none of these forms of communication were contemplated when the legislature drafted the definition of "public records" that we are still using today.

[1] https://www.emailonacid.com/blog/article/email-marketing/history-of-email/
[2] https://archive.computerhistory.org/resources/access/text/2022/08/102806104-05-01-acc.pdf
[3] https://www.britannica.com/topic/instant-messaging
[4] https://www.bbc.com/news/technology-63825894
[5] https://www.textmagic.com/blog/the-history-of-texting-from-telegraphs-to-enterprise-sms/

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The legislature did not require all communications to be recorded. Although the technology existed at the time to do so, and it would have provided the public with "the greatest possible information regarding the affairs of government," it was not necessary for access to "the official acts of public officers and employees." Section 14-2-5 NMSA 1978. Recording required an intentional act, and it was that intentional act to create a record, that triggered IPRA's requirement to then make that record available for public inspection. Today, the inverse is almost true, it takes an intentional act to not make a recording by avoiding many types of communication. This can have a chilling effect on efficient and effective communications in government, which can hinder the integrity of thoughtful discussion and deliberations in official decision making. The New Mexico Supreme Court has acknowledged this risk in recognizing a judicial deliberation privilege and executive privilege. *Pacheco v. Hudson*, 2018-NMSC-022; *Republican Party of N.M. v. N.M. Taxation & Revenue Dep't*, 2012-NMSC-026. Courts have upheld the judicial deliberation privilege to protect final judgments from being subject to collateral attack via scrutiny of the judge's thought process. "In addition to ensuring the finality of judgments, protecting judges from the post hoc probing of their mental processes also ensures the integrity and quality of judicial decision-making." *In re Enforcement of a Subpoena*, 972 N.E.2d 1022, 1029 (Mass. 2012). The executive privilege's "central purpose" is that of "fostering candid expression of recommendations and advice to the Governor." *Republican Party*, 2012-NMSC-026, ¶ 45; quoting *State ex rel. Att'y Gen. v. First Judicial Dist. Court*, 96 N.M. 254, 258, 629 P.2d 330, 334 (1981). These privileges are founded in the separation of powers doctrine, as necessary to protect the full and independent functioning of the judicial and executive branches.

In other jurisdictions, the deliberative process privilege has been developed with the stated purpose of protecting the "frank and open discussions of ideas" and "the confidentiality of the give-and-take that occurs among agency members in the formulation of policy." *Nat'l Wildlife Fed'n v. U.S. Forest Serv.*, 861 F.2d 1114, 1117 (9th Cir. 1988). The deliberative process privilege has been incorporated into the Freedom of Information Act (FOIA), which contains an exemption expressly privileging "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). This exemption (Exemption 5) allows for the withholding of all documents that would be privileged in litigation and also has been interpreted to privilege predecisional and deliberative agency communications. *See Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8 (2001) (noting that both the attorney work product privilege and the deliberative process privilege fall under

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New Mexico Governor
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Exemption 5 of FOIA); Tax Analysts v. IRS, 294 F.3d 71, 76 (D.C. Cir. 2002) (Exemption 5 has been "interpreted to encompass, inter alia, three evidentiary privileges: the deliberative process privilege, the attorney-client privilege, and the attorney work product privilege."). Consistent with the recognized core purpose of the deliberative process privilege, Exemption 5 protects only predecisional agency communications, not communications about decisions that have already been made. *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 151 (1975) ("[I]t is difficult to see how the quality of a decision will be affected by communications . . . occurring after the decision is finally reached."). Some states, parallel to the deliberative process privilege created by the federal courts, recognize a privilege available not only to the governor, but also to executive agencies responding to public records requests. *See, e.g., Gwich'in Steering Comm. v. Office of the Governor*, 10 P.3d 572, 578-79 (Alaska 2000); *City of Colorado Springs v. White*, 967 P.2d 1042, 1049-50 (Colo. 1998) (en banc); *DR Partners v. Bd. of Cnty. Comm'rs of Clark Cnty.*, 6 P.3d 465, 469-70 (Nev. 2000); *In re Liquidation of Integrity Ins. Co.*, 754 A.2d 1177, 1182 (N.J. 2000); *Commonwealth v. Vartan*, 733 A.2d 1258, 1263-64 (Pa. 1999); Herald Ass'n, Inc. v. Dean, 816 A.2d 469, 474-75 (Vt. 2002). In a few instances, state public records statutes track Exemption 5 of FOIA and expressly exempt from disclosure agency-generated documents reflecting policy deliberations. *See, e.g., City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 360 (Tex. 2000) (citing Tex. Gov't Code Ann. § 552.111 (West 1993)). More typically, state high courts recognize a deliberative process privilege based purely on common law principles. *See, e.g., City of Colorado Springs*, 967 P.2d 1042, 1049-51 (distinguishing the deliberative process privilege's common law origin from the executive communications privilege's constitutional basis); *see also Gwich'in Steering Comm.*, 10 P.3d at 578 (noting that the deliberative process privilege is not grounded in "constitutional notions of separation of powers"). The New Mexico Supreme Court has not recognized this common law privilege as being applicable to IPRA, because it is not recognized under our state's constitution or statutes. Therefore, the Court could not find a basis to justify its application like those of the judicial deliberation and executive privileges. However, it is an exception that could be considered by the legislature.

While the increase in digital communications has contributed most substantially to the influx in records requests, which prompted the formation of this Task Force, it is also clear that the Task Force must consider recommendations that do not weaken IPRA's core protections. However, these records will continue to increase as we move further into the digital age. We are now at another precipice in that age with the growth of AI. AI tools will

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become ubiquitous and as necessary a part of doing business as email did in the late 90s and early 2000s. However, while human employees can still have conversations that do not create a record through forms of verbal communication, AI cannot. By their very nature, AI tools are living databases that record and learn from every interaction. The same need for humans to have frank and open discussions to protect the integrity of their deliberations also exists with AI. If AI is going to be an effective tool, humans need to be able to share ideas with the AI without fear that those ideas will be subject to public scrutiny. Otherwise, they will not feel safe in testing those ideas prior to implementing them into official decisions that will affect the public. "Better to remain silent and be thought a fool than to speak and remove all doubt." Public employees who are uncertain in their opinions will choose to leave those opinions untested, if they know that those opinions may be subject to public scrutiny. However, if those opinions can be tested in an environment where employees are not afraid of scrutiny, by an objective AI tool, those employees can make better decisions on behalf of the public.

The other risk in not limiting public access to communications with AI assistants is that agencies will limit the number of communications that the AI tools retain. This will severely limit the functionality of the AI tools, because they learn from each encounter how best to communicate with the user. If they only retain a limited amount of communication history, then they will not be able to function as effectively, which will also lessen the effectiveness of the state's investment in these tools. This would be like having a human assistant with short-term memory loss, who forgets who you are and how best to communicate with you every few days.

DoIT understands the risks associated with AI use, as well. That is why DoIT has established the state's first Generative AI Policy.[6] This policy is guided by the principles of safe, secure, and resilient AI use; valid and reliable outputs and system performance; fairness, inclusion, and non-discrimination in outputs; privacy and data protection; accountability and responsibility of AI users; transparency and auditability of AI systems and outputs; explainable and interpretable outputs; and public purpose and social benefit of AI use in state government. These governing principles of AI use are necessary to make sure that a human is always in the loop, and AI is not substituting for human judgment. AI is a tool to help humans make decisions. Like any powerful tool, it must be used responsibly, but it also should be used to its fullest extent within those parameters. If it is an AI tool that

[6] https://www.doit.nm.gov/files/docs/Generative_AI_Use_Guidelines_Policy_Signed.pdf

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New Mexico Department of Information Technology

Michelle Lujan Grisham
New Mexico Governor
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is controlled by the state, through a state contract, then the state can ensure that the proper parameters are in place. However, if state employees are not free to use those tools to their fullest extent, then they may be tempted to use AI tools that are not under the control of the state and subject to the safeguards outlined above.

If enshrining a full deliberative process privilege into IPRA is not palatable to policy makers, then an alternative could be a type of deliberative process privilege exception, as it applies to conversations that state employees have with AI tools. This would not prevent the public availability of official decisions developed with the assistance of AI but would help to protect the integrity of those inquiries and discussions leading up to the final decision. It would also not prevent the functional underpinnings of the AI tools from being publicly available. The public has a right to know what AI tools are being used by state agencies.

The New Mexico Department of Information Technology appreciates the difficult job that this Task Force has been given. It is a delicate balancing act to find the proper line between government efficiency and accountability. Thank you for taking the time to consider this comment and the impact that digital communications records have had on government operations and IPRA requests over the years. As technology continues to advance, our laws must keep apace to allow our state to reap the full benefits of investments in those technologies, while also providing the proper level of transparency into decisions that affect the people of New Mexico.

Sincerely,

Jason L. Clack

Jason L. Clack

General Counsel, Department of Information Technology

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NMRLD
NEW MEXICO
REGULATION &
LICENSING DEPARTMENT

STATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Clay Bailey, Superintendent

Public Comment provided by the New Mexico Regulation & Licensing Department to the New Mexico Department of Justice Inspection of Public Records Act Task Force

August 5, 2026

Comment provided by:
Kevin A. Graham, Chief General Counsel
New Mexico Regulation & Licensing Department (RLD)
kevin.graham@rld.nm.gov

On behalf of RLD Superintendent Clay Bailey I want to make certain it is understood that the Superintendent and the RLD as an agency fully support the spirit, intent and legal requirements of the New Mexico Inspection of Public Records Act (IPRA). We have been and remain committed to openness and transparency in state government and ensuring the right of the people to know what their government is doing. Unfortunately, the simple truth is that far too many individuals and businesses both within New Mexico and from outside our state now utilize the IPRA as a tool for pursuing their own financial gain or, even more unfortunately, as a weapon to allow them to repeatedly delay or prevent government agencies from carrying out those agencies' lawfully assigned and necessary functions to protect the public.

Overview:

The RLD has direct experience with individuals, including law firms, who have unmistakably engaged in repeated acts of effectively weaponizing the IPRA. These entities have knowingly and intentionally utilized the IPRA's time deadlines and penalty provisions to force the RLD to commit voluminous labor resources/hours responding to certain IPRA requests within the result being that employees must be pulled away from other critical duties in order to keep up with the IPRA workload. This type of requestors use the looming threat of massive fines and accompanying attorney fees that can result from IPRA non-compliance to manipulate government agencies like the RLD, not for the laudable purpose of governmental transparency, but instead for the requestors' real goals of keeping agency staff so tied up with IPRA compliance duties that they do not have time to perform essential functions like inspections of licensee facilities or thorough investigations of complaints.

Examples of IPRA Weaponization:

1. Licensee whose facility was inspected and violations cited then, instead of making necessary corrections to the facility/operation, employs a law firm that over the course of months deluges the RLD with repeated, highly detailed, IPRA requests seeking records

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going back over multiple years. In order to properly respond to these many, intricately worded, multi-part IPRA requests from the law firm employed by this individual, the RLD was repeatedly forced to re-task numerous employees from their regular work assignments. In one such case, the RLD learned there had been communications sent by the first individual encouraging other licensees to likewise engage in the same IPRA-weaponization conduct and even providing a description of how to go about sending IPRA requests and including how to make those records requests difficult for the RLD to fulfill. This is for the express purpose of eroding the RLD's ability to conduct field inspections due to the time of inspections personnel being consumed by the time they had to spend locating, reviewing and properly redacting years of past records.

2. In another case, a law firm has repeatedly submitted multiple extremely detailed IPRA requests over the past year, seeking thousands (potentially tens of thousands) of pages of records going back numerous years, resulting in RLD employees expending hundreds of work hours (already) identifying potentially responsive records, making proper redactions to records as necessary, and creating detailed redaction logs concerning redactions made. This law firm's purpose behind the submission of these many, burdensome IPRA requests appears to be primarily motivated by an attempt to catch the RLD in some error in its IPRA responses, so that a civil complaint may be

   filed seeking monetary penalties and attorney fees. In such cases, respected efforts to protect the public's right to know seem to have fallen by the wayside in favor of the desire for individual financial gain.

Financial and Operational Impacts on the RLD:

On any given day in the past two calendars years the RLD has been forced to dedicate the cumulative full-time efforts of at least five support staff members and two agency attorneys solely to carrying out IPRA compliance duties.

Calendar Year 2025:	The RLD received and responded to over 1,800 IPRA requests.
Calendar Year 2026:	Through the end of July of this year, the RLD has received and responded to over 1,000 IPRA requests.

Average Monthly IPRA Requests Reived:	150 new IPRA requests received and processed each month.

BUT those numbers do not really tell the story of the amount of work involved in the RLD's IPRA compliance efforts. Over the past few years, the RLD has experienced a substantial uptick in the complexity of the individual IPRA requests received. Many may assume that IPRA requests submitted to government agencies normally straight-forward requests for an identified

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specific document or file. Perhaps for a copy of a permit issued for a particular building project, or the licensing file for a named individual. While that is sometimes the case, it has become increasingly common for the RLD to receive vaguely worded IPRA requests seeking years (even decades) of records concerning entire industries. Further, often IPRA requestors seek not just regularly maintained records such as licensing applications, inspection reports or copies of regulatory disciplinary orders, but to also request any and all emails, text messages, notes, and internal staff communications regarding a huge number of specific staff members (current and former) who may have been even peripherally involved in the handling of a license or related matter. Such IPRA requests may contain a dozen or more highly detailed sub-sections that in reality turn "one" IPRA request into many – all of which must be responded to, and because the request came in together on the same day, all parts of the request have the same date deadline for the agency to respond under the terms of the Act. The truth of the matter is that the administrative burden the RLD and other government agencies face when dealing with IPRA compliance is huge. The RLD is committed to its IPRA compliance duties, but that means we are fighting an uphill battle, often against parties whose motivations are to serve their own personal financial interests.

Recommendations:

The RLD submits the following recommendations for clarification and amendment to the IPRA that would help ensure that the real intent of the IPRA for governmental transparency is upheld, while increasing efficiency for government agencies and holding those who would abuse the law accountable:

(1) Amend the IPRA to include specific language stating that if an IPRA request seeks records that are publicly accessible through an electronic database or access portal, such as through a website or online search engine, the government agency responding to the request will be deemed to have fully complied with the IPRA if the agency responds to the requestor specifically identifying the website/portal/online resource where the requestor can search for and obtain those records for themselves. Unambiguously including this provision in the law would both expedite the ability of government agencies to respond to IPRA requests and would incentivize government agencies to proactively post a great deal of public record information to their websites and/or the Sunshine portal thereby decreasing the likelihood of the receipt of voluminous numbers of IPRA requests.

[Example: The Cannabis Control Division of the RLD posts a large volume of electronically searchable information related to the NM cannabis industry on its website at: https://www.rld.nm.gov/cannabis/ . If a request is received for records that are

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available through the Division's website, the RLD would respond informing the requestor the records are already publicly available and provide a link to the webpage with the search engine(s).]

(2) Amend §14-2-11(C) and §14-2-12(D) NMSA 1978 of the IPRA to provide that any award of damages for a violation of the IPRA that is ordered by a court shall be payable at least 90% to a newly created "Public Transparency

Fund" to be administered by an authority to be designated in law, with the remaining no more than 10% payable to the party bringing the IPRA lawsuit.

[If the goal is to make certain government agencies comply with IPRA, then any penalty for violations of the law should go towards ensuring future government transparency. The only parties who would be "negatively" impacted by this change to the law would be those individuals and firms who actively seek to utilize the IPRA for personal financial gain.]

(3) Create a new legal mechanism allowing for a petition to filed in the district court to have an individual or entity designated a "vexatious requestor" under the IPRA, very similar to the current law that allows for a party to be declared a "vexatious litigant" in the court system. This mechanism would be very limited in its applicability, limited to those individuals and entities who are clearly abusing the IPRA for purposes of individual financial gain or imposing intentionally burdensome duties on government agencies for the purpose of preventing those agencies from carrying out their other assigned duties and responsibilities.
   a. Requiring the government agency to go to court to have this designation placed on an individual would create a very low likelihood of any abuse of this tool, as an independent court would make the decision.
   b. The elements necessary to be proven to the court's satisfaction before a finding that a party is a "vexatious requestor" could include:
      i. A threshold number of IPRA requests being submitted to a government agency within a designated period of time;
      ii. repeated requests for the same/very similar information being sent to a government agency within a designated period of time;
      iii. a threshold number of subsections/sub-requests being included within IPRA requests involving in extreme complexity intended to stall or frustrate the operations of the government agency;
      iv. filing IPRA requests clearly targeting an individual public employee or public employees with the intent to harass or intimidate; and
      v. having been previously been determined to be a "vexatious requestor" in regard to the current government agency or another government agency;
   c. If a court finds sufficient evidence to declare an individual a "vexatious requestor" the court would be authorized to impose limitations on the individual's

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use of the IPRA similar to the court's authority when dealing with a "vexatious litigator", including:

i. Pre-Submission of Request(s) Orders: The court can block the person from filing any new IPRA requests with a government agency(s) without getting official permission from a judge first;
ii. Security Bonds: The court may require the vexatious requestor to pay a financial deposit or bond to cover the government agency's staff costs to respond to a new IPRA request; and
iii. Sanctions and Fines: The courts can issue monetary penalties or hold the vexatious requestor in contempt for wasting government agency and judicial time and resources.

Respectfully submitted,

Kevin A. Graham

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August 6, 2026

Dear NMDOJ IPRA Task Force,

The Early Childhood Education and Care Department (ECECD) receives many Inspection of Public Records Act (IPRA) requests and supports IPRA's critical role in promoting governmental transparency and accountability. Based on years of administering IPRA requests, ECECD has identified several areas where targeted statutory amendments could clarify ambiguities, strengthen personal privacy protections, improve operational challenges, and reduce unnecessary administrative costs on taxpayers, while enhancing IPRA's core purposes of transparency and public trust in government. ECECD respectfully submits the following for consideration.

1. **Children's Identities**

There is some ambiguity regarding the exemption of children's identities and other information about children, such as photographs, addresses, and contact information. IPRA should clearly protect the identities and information of children by exempting them from IPRA's mandate of disclosure. Aside from certain law enforcement records and Office of Child Advocate materials, children's identities are not explicitly protected under IPRA. Disclosure of children's identifying information does not advance governmental transparency yet creates significant privacy and safety risks for families. This is especially true in the case of child care facility records that contain names, personal information, and videos of children. There should be an explicit exemption in New Mexico law for children's identities and other related information.

2. **Sensitive Personal Information**

The definition of protected personal identifier information (PII) is narrow and the other exclusions of the act fail to exempt a substantial amount of sensitive personal information. IPRA does not clearly protect against the release of birth certificate numbers, passwords or other authentication credentials (such as PIN numbers or encryption keys), usernames or account numbers beyond financial account numbers, parents' maiden names, personal phone numbers and email addresses, ID and passport numbers, professional license numbers, bank routing numbers, signatures, or images of any of these

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sensitive documents. The act should be amended to protect a broader swath of such private, personal information that does not further IPRA's purposes.

3. Matters of Opinion

The recent Supreme Court of New Mexico decision in *Albuquerque Journal v. Board Of Education of Albuquerque Public Schools*[1] significantly narrowed and complicated the exemptions for matters of opinion in personnel files. The Court now requires that records custodians separate exempt and non-exempt information within personnel records, rather than withholding records in their entirety. This substantially increases the time, costs, legal complexity, and litigation risk of IPRA requests.

The decision requires custodians—most of whom are not attorneys—to parse nuanced legal distinctions within personnel files to distinguish "soft", opinion-based from "hard", objectively-verifiable information.[2] This is complicated, confusing, and time-consuming. The court itself examined IPRA's language and compared it to similar public record release laws of other states, such as Mississippi's, that exempt personnel records and applications for employment in their entirety.[3]

ECECD encourages the Task Force and Legislature to consider exempting personnel files in their entirety or at least clarifying and expanding such exemptions to reduce confusion, litigation, and excessive expenditures of time, cost, and energy.

4. Medical Information

IPRA is limited in its protection against the release of medical information. This should be clarified and expanded. Currently, the only explicit exemptions are for "records pertaining to physical or mental examinations and medical treatment of persons confined to an institution"[4] and "records pertaining to physical or mental examination and medical treatment of persons"[5] within law enforcement records. Under various other laws, such as Section 14-6-1 NMSA 1978 or the Health Insurance Portability and Accountability Act, there are protections for health information, but they do not cover all public bodies. For clarity, coherence, and consistency, the legislature should include an explicit medical information exemption within IPRA itself.

5. Charging of Fees

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[1] *Albuquerque Journal v. Bd. of Educ. of Albuquerque Pub. Sch.*, 2026 WL 1492129 (N.M. May 28, 2026).
[2] *Id.* ¶ 11-12.
[3] *Id.* ¶ 21.
[4] Section 14-2-1(B) NMSA 1978.
[5] Section 14-2-1.2(A)(8) NMSA 1978.

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The current fee provisions are outdated and unclear, leaving public bodies uncertain about which costs they are permitted to recover. ECECD encourages examining this issue for clarification and updating. It is not clear what exactly is meant or included by "the actual costs associated with transmitting copies of public records by mail, electronic mail or facsimile."[6] The NM Department of Justice advised in the Ninth Edition of its IPRA Guide that reasonable "fees are intended to only recover the costs incurred by the public body of making additional copies. This fee is only associated with copying costs and may not be used to recoup staff costs associated with receiving requests, conducting searches, reviewing records, or permitting inspection."[7] ECECD does not think there should be a cost to reasonable requests, but for excessively burdensome and broad requests, it is time to consider allowing public bodies to charge for certain costs, such as labor and production, in order to ensure that public bodies have sufficient resources to process them and, secondarily, to discourage abuse of IPRA (e.g., submitting multiple voluminous requests simply to harass an agency).

Conclusion

IPRA serves a vital role in promoting government transparency and accountability. However, its current structure has insufficient and unclear exemptions, inadequate protections for sensitive information, limited procedural tools, and outdated cost provisions. These limitations impose significant administrative burdens on public bodies, create uncertainty regarding privacy, and increase litigation risk. ECECD respectfully asks the Department of Justice's IPRA Task Force to examine these concerns and consider recommending statutory amendments to:

- clearly exempt children's identities and other sensitive personal information;
- clarify exemptions for medical information and personnel records; and
- modernize cost-recovery options for excessively burdensome requests while preserving low-cost access for ordinary requesters.

ECECD believes these reforms would preserve IPRA's fundamental purposes while modernizing the Act. These recommendations seek to ensure that government resources are devoted to meaningful transparency rather than unnecessary administrative burden, avoidable litigation, or the disclosure of personal information unrelated to governmental accountability.

[6] Section 14-2-9(C)(4) NMSA 1978.
[7] N.M. Dep't of Justice, *The Inspection of Public Records Act: A Compliance Guide on Government Transparency for New Mexicans and their Public Officials,* Ninth Edition (2024).

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August 14, 2026

IPRA Task Force
New Mexico Department of Justice
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RE: IPRA of Forensic Interviews

To IPRA Task Force Members:

My name is Elena Rubinfeld and I am the Legal Director at the New Mexico Coalition of Sexual Assault Programs (NMCSAP). NMCSAP leads the state's efforts to reduce sexual abuse and sexual violence by providing training and technical assistance to Sexual Assault Service Providers, Children's Advocacy Centers, Sexual Assault Nurse Examiners, law enforcement officers, prosecutors, medical practitioners, mental health professionals, and other vital partners in preventing and addressing sexual assault. Our work includes, among other things, collecting information about the state of sexual assault services and the realities of survivors across New Mexico, including children who have been sexually abused. NMCSAP houses the New Mexico Children's Alliance (NMCA), the nationally accredited state chapter network of Children's Advocacy Centers.

NMCSAP first would like to express its gratitude that this Taskforce was formed, and for the dedicated and thoughtful participation of the members. We have participated in Taskforce meetings, both listening and providing public comment in several spaces. We now send the Taskforce a written comment to more fully elaborate on our feedback.

In this letter, we will discuss concerns witnessed while working to assist sexual assault programs and survivors, including children who've been sexually abused. More specifically, this letter explains NMCSAP's concerns and requests your assistance in clearly protecting forensic interviews from public records requests in the state of New Mexico.

Forensic interviews, also known as safehouse interviews, are recorded interviews provided by children who may have experienced abuse or witnessed a crime or other violent act. They are detailed investigative interviews with a child and can contain extremely sensitive material, including in-depth accounts of a child's sexual assault or physical abuse. Forensic interviews are conducted by Forensic Interviewers employed at Children's Advocacy Centers (CACs). Forensic Interviewers are not employees of government entities and are professionally trained to perform these interviews in a neutral, non-leading, and developmentally appropriate manner in a child-focused setting. Forensic interviews are used to identify needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services. The forensic interview is also considered evidence and may be transferred to government entities such as law enforcement and CYFD for investigatory and prosecutorial purposes. Additionally, these entities may be present and gathering information during the forensic interview (see NMSA § 32A-4A-1-4).

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In the past several years, NMCSAP has learned of a growing concern about the ability of government entities to protect forensic interviews from IPRA requests. There is currently no language in IPRA that unequivocally exempts forensic interviews from IPRA requests. Due to this and recent developments in state case law, some local governments are finding it more challenging to identify clear exemptions for forensic interviews under IPRA. This exemption is especially challenging when requests involve children whose allegations of abuse do not involve civil abuse or neglect proceedings and in turn don't clearly implicate confidentiality protections under NMSA § 32A-4-33. Forensic interviews are extremely sensitive in nature and the protection they receive should not be contingent on which branch of government happens to be their custodian.

Even without the threat of their forensic interview being released to the public, child survivors face tremendous and unique challenges when reporting sexual and physical abuse. Upon reporting abuse, child survivors are pulled into complicated legal processes over which they have little control, that can turn their lives upside down, and that can jeopardize their safety and health if not performed with extreme care. If a child survivor also must worry that their forensic interview could be shared with the public via an IPRA request, they will be significantly less likely to report, share details about their experience, and access essential support resources.

Additionally, as the number of people who can access their forensic interview rises, so does the threat to the child survivor's personal safety. If forensic interviews are subject to IPRA requests, intimate details of sexual or physical assault could be shared with the person who caused them harm, often a family or household member whom the child depends on.

While it is often favored practice for IPRA requests of sensitive information, it is important to emphasize that forensic interviews are recordings and cannot be effectively redacted. If shared with a blurred image, it will still be very apparent who is being interviewed.

With the advance of social media and internet platforms, the threats associated with public release of forensic interviews are more substantial than in the past. IPRA as currently written does not consider the possibility that a forensic interview could be obtained by, for example, a true crime content creator, and amplified on a space such as YouTube giving millions of people access to the most intricate details of a child's abuse. Shifting realities regarding what public access requires clear language about forensic interviews' exemption from IPRA requests.

CACs strive to ensure that child survivors and their caregivers understand how the child's forensic interview could be used and how their privacy can and cannot be protected. Without clear exemptions under IPRA, it is extremely difficult to provide children and their families with the clarity they deserve.

Potential Solutions:
NMCSAP is respectfully requesting that the Taskforce recommend to the Legislature the adoption of unequivocal statutory language protecting forensic interviews from public records release. In doing so, the Legislature will ensure that only individuals with a vested interest in the relevant criminal and/or custody case can potentially access a forensic interview.

Other states have created clear exemptions for the release of forensic interviews to parties who do not have a vested interest in the custody or criminal matter. These statutes could provide helpful guidance to New Mexico in approaching this exemption. NMCSAP is including several examples for the Taskforce's consideration:

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Washington (WA Rev Code § 26.44.187): "Any and all audio and video recordings of child forensic interviews… are exempt from disclosure under the public records act... [s]uch recordings… may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority…advance notice must be to the child…Nothing in this section is intended to restrict the ability of the department or law enforcement to share child welfare information as authorized or required by state or federal law."
Illinois (55 ILCS 80/4.5(b)) "A forensic interview, an electronic recording, or a forensic interview transcription or electronic recording is confidential and exempt from public inspection and copying under Section 7.5 of the Freedom of Information Act and may only be viewed by a court, attorneys, investigators, or experts for the purpose of judicial and administrative hearings and shall not be disseminated except pursuant to a court's protective order."
North Carolina (NC Gen Stat § 108A-77.4): **"**(a) In the case of a child referred to a Children's Advocacy Center by a department, the following records or information… shall be part of a department's record for the juvenile receiving protective services and shall be confidential:…(2) A forensic interview. (b) In the case of a child referred to a Children's Advocacy Center by law enforcement, unless required by federal law, the following records or information, which are created, compiled, maintained, or received by a Children's Advocacy Center when performing or coordinating services described in this section, shall be confidential and shall only be released in accordance with this subsection:…(2) A forensic interview… (c) Disclosure of information and records outlined in subsection (b) of this section shall only be released or otherwise made available to the following: (1) The North Carolina Department of Health and Human Services and county departments. (2) Law enforcement agencies, a prosecuting district attorney, or the Attorney General. (3) Health care providers or local management entity/managed care organizations providing medical or psychiatric care or services to the child, in the case of medical or mental health records. (4) The North Carolina Child Fatality Task Force. (5) As permitted under G.S. 7B-3100 (related to disclosure of info about juveniles among agencies)."
Maine (22 ME Rev Stat § 4019 9-A): "…Recordings of forensic interviews are confidential and are not public records…Information may be disclosed: A. To…state agencies that provide services to children and families in order for them to carry out their duties; B. To the attorney for a child who is the subject of confidential records;… C. To a guardian ad litem appointed under section 4005 for a child who is the subject of confidential records;… D. In a matter under Title 18-C or 19-A, upon specific request for the recording of the forensic interview by the parties or on the court's own motion. A court may order disclosure of the recording of a forensic interview… if the court finds that access to the recording is necessary for the determination of an issue before the court and that the necessity of access to the recording outweighs the potential effect on the alleged victim…"
California (CA Penal Code § 11166.4 E) "...(i)) Recognizing the inherent privacy interest that a child has with respect to the child's recorded voice and image when describing highly sensitive details of abuse or neglect, any and all recordings of child forensic interviews shall not be the subject to a Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) request and are exempt from any such request. (ii) The recording shall not become a public record in any legal proceeding.(iii) The court shall order the recording be sealed and preserved at the conclusion of the criminal proceeding."

With other state statutes taken into consideration, NMCSAP recommends that the legislature adopt into NMSA § 14-2-1(Right to Inspect Public Records; Exceptions), a clear exception for "any and all audio and video recordings of child forensic interviews." By inserting such language directly in the IPRA statute, it should make abundantly clear that all forensic interviews, regardless of which government agency's custody they are under, should not be released in an IPRA request.

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While an unequivocal exemption of forensic interviews is needed, NMCSAP also acknowledges that there are other records in the government's possession that, if released to the public, create serious privacy issues. Throughout the Taskforce's public comment spaces, concerns regarding the release of sensitive information about crime victims were repeatedly discussed. As NMCSAP has participated in conversations statewide, we have learned that records custodians have varying interpretations and levels of confidence regarding protecting records that present serious privacy concerns. Increasing financial support for record custodians' offices encourages better trained and resourced records review across our state. Creating an ombuds office could assist records custodians in getting clear and consistent answers when questions about privacy arise. NMCSAP would like to also express its support for such initiatives, as they will assist at providing the public with the access they deserve while protecting private information.

NMCSAP believes IPRA is an invaluable law to assist the public in accessing important information about governmental affairs. The transparency that IPRA provides is a bedrock to ensuring citizen participation and empowerment and a well-functioning democracy. The goals of IPRA can be achieved without sharing a child's most private details about their experience with sexual or physical abuse and compromising reporting, access to resources, safety, and wellness.

We appreciate your consideration of our concerns and ideas and welcome the opportunity to discuss this matter further. Please note that I will be transitioning out of my role as Legal Director at NMCSAP on September 4. If you have any questions after that date, please direct them to NMCSAP's New Mexico Children's Alliance Director, Melissa Ewer, at mewer@nmcsap.org.

Sincerely,

Elena Rubinfeld
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The Question Beneath the Burden

Why IPRA's Effectiveness Cannot Be Evaluated Apart From Records Management

Submitted to the IPRA Task Force by Douglas Michel

Introduction

The task force has heard one message above all others: agencies are overwhelmed and need relief. Request volume is up, and that growth is real and contributes to the burden agencies report. House Joint Memorial 2 charges this task force with evaluating IPRA's "workability, functionality and effectiveness in ensuring government transparency and serving the public interest." Restricting who may ask, or what they may ask for, cuts directly against that charge: it reduces transparency on its face, so the trade is justified only if it actually relieves the burden, not just suppresses access that was never the problem. No one has measured which is true, because no one has separated the burden into its two sources: the unavoidable cost of providing access, and whatever cost the condition of the records system adds on top of it, a condition no custodian is required by law to get right. Restricting access reduces how often the records system is queried; it does nothing to the condition of the records that makes each remaining request expensive.

That the second source is real is not speculation: an email request to an office that never organized its mail forces a search of everything, while the same request to a managed system is answered in minutes. The difference is the records, not the requester. That records layer is weakest precisely where the burden is largest: the counties and municipalities over which no state records-management authority reaches, where what is kept and for how long is a decision no one is required to make well.

I. What IPRA Asks, and Who It Asks

An inspection request is a read operation performed against a body of records. It does not create, organize, retain, or index them; it assumes all of that has already happened. When a request arrives at an agency with organized records and current retention practices, answering it is ordinary work. When it arrives at an agency that does not know what it holds, the request becomes the moment that dysfunction's cost comes due.

New Mexico has named a role for nearly every stage of a record's life, and every one is about holding records, not answering for them. The chief records officer and records liaison officer of the state's records-management rule are archive roles too. None names the function IPRA actually invokes, receiving a request, judging responsiveness and privilege, redacting, and producing a result. IPRA assigns those duties, at Section 14-2-7, to the maintenance-defined custodian, and never names the work as its own function.

Set side by side, the two most-invoked definitions show the same word doing two different jobs:

	IPRA custodian, Section 14-2-6(A)	Public Records Act custodian, Section 14-3-2
Statutory definition	"Any person...responsible for the maintenance, care or keeping of a public body's public records, regardless of whether the records are in that person's actual physical custody and control."	"The statutory head of the agency using or maintaining the records or the custodian's designee."
Statutory task	Receive requests, provide access,	Establish and maintain an active

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	IPRA custodian, Section 14-2-6(A)	Public Records Act custodian, Section 14-3-2
	post request procedures (Section 14-2-7).	records-management program (Section 14-3-6).

The function IPRA invokes but never names, receiving a request and answering it, deserves a name of its own. Call it the public access officer, deliberately not a custodian of any kind: access work is not records-keeping work, and the state has never treated it as its own role with its own qualifications. There is real skill in the function, privilege judgment, responsiveness calls, redaction, but it is not free-standing. IPRA-response quality is capped by records-management quality, because no system retrieves cleanly without knowing what it holds. The remedy has two parts usually collapsed into one: name and equip the access function, and fix the records substrate it reads.

II. What The Burden Is Made Of

Hold the custodian blameless and the burden separates into two components by cause: inherent access cost, what providing access takes in a well-run agency, and structurally induced retrieval cost, what the condition of the records adds on top of that same work. The records condition also drives volume, not just cost: with no clear custodian, requests get misrouted and have to be re-filed; with nothing published, people must file a request for what a website could have answered.

The first category is inherent in the act of providing access: identifying responsive records, reviewing for privilege and privacy, redacting, producing a usable result. This is real labor, answerable with tools and staff, not limits on who may ask. Some of the local bodies reporting the largest burdens met the heaviest version of it, video redaction, by hiring a dedicated employee and licensing redaction software, the correct response to inherent cost.

The second is not inherent in access at all: the search that sprawls because nothing is indexed, the collection that reaches sixty mailboxes because there is no custodian map. The request did not create this cost; the state of the records did, and the request merely revealed it. Video shows the mechanism clearly, and the two costs pull in opposite directions along the same axis. A request for a broad window of footage carries a heavier inherent cost, more footage to review and redact, but a lighter retrieval cost, because pulling a camera's full stored output is a native query. Narrow the request to a specific time and location and the inherent cost falls, but the retrieval cost can rise, because most systems index footage by camera and timestamp, not by the address a narrow request names, and matching that address to the right camera is itself manual work. A requester who does exactly what agencies ask, narrowing the request, can still face a slow response: not more to review, but a system that cannot retrieve by the specificity demanded, the induced cost showing through on its own, separated from the redaction cost a broader request would have carried instead. Most hard requests contain both; what varies is the proportion. The debate collapses the two into a single word, burden, and proposes to reduce it by restricting access. That suppresses requests. It does nothing to the records condition that generates the induced share.

III. The Evidence Already In The Record

None of this requires new research. The task force has already heard burden figures, in agency testimony and submissions; nothing in that record separates the two sources. A set of records requests I filed independently supplies the missing attribution.

On measurement: one state agency produced a log of more than five hundred requests with no completion dates, no staff hours, and no cost figures, so it cannot substantiate a single workload claim. A large share of its entries were requests sent to the wrong custodian or answered by pointing to the agency's own website, better understood as avoidable demand generated by poor routing and publication than as public appetite.

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On training: New Mexico mandates basic records-management training only for the positions an agency designates under 1.13.12 NMAC, and none of that curriculum addresses receiving a request, judging responsiveness and privilege, or producing a response:

Role	Source	Function	Training required
IPRA custodian	Sections 14-2-6(A), 14-2-7	Receives and answers inspection requests.	None, anywhere in New Mexico law.
Designated records custodian	1.13.12.9 NMAC	Acts for the statutory records custodian.	Basic records-management training every three fiscal years.
Chief records officer	1.13.12.10 NMAC	Oversees the agency's records-management program.	Same requirement.
Records liaison officer	1.13.12.11 NMAC	Authorizes storage and destruction of records.	Same requirement.

On procedure: ask an agency to produce its written request-handling procedure. An agency that cannot is telling you the process lives in memory, not a system that can be audited as staff turn over, a test the task force could run itself.

The task force has volume figures and burden claims from agencies, already in the record. It does not have burden attribution: every number sums inherent and induced cost together, and nothing pulls them apart.

IV. The Enforcement Void

Suppose an agency's records-management program falls short, incomplete, outdated, or followed in name only. What in the state's structure corrects it? Nothing, and the reason is worth stating precisely. The duty exists: the Public Records Act places a continuing obligation on every state agency head to maintain an active records-management program. The detection power exists too: the State Records Administrator may inspect and survey any agency's records. What is missing is the third piece. The Administrator surveys and recommends, but the Act supplies no mechanism requiring an agency to correct a deficiency a survey identifies. Even the one review the statute builds in reaches the wrong object: a completed survey feeds a determination about a record's retention or disposition, not whether the mismanaging program gets fixed.

The one mechanism with teeth, an IPRA lawsuit, reaches the wrong thing: an output, whether this record was produced and on time, not the records-management system that produced the delay. A requester can sue, win, recover fees, and find the agency's records program exactly as broken the next morning. Nor does the Attorney General close the gap: a requester can file a complaint, but even a finding against the agency compels nothing, useful later only as evidence of bad faith if litigation follows. The office may enforce IPRA and advise on compliance, but cannot order records produced or compel a program fixed, and the burden falls on whichever requester is willing and able to go to court.

V. Where The Floor Disappears Entirely

Everything above describes state agencies, where at least a duty and a survey power exist, unenforceable as they are. Over the bodies bringing this task force its largest burden figures, counties and municipalities, even those are gone. The records-management program runs to state agencies; the Administrator has no direct authority over local retention and disposition practices and, under Section 14-3-18, may only advise and assist. The Attorney General has long read county and municipal records as outside the Act's own definitions, and the Supreme Court, in State ex rel. Newsome v. Alarid, held that the Public Records Act's definitions do not govern IPRA at all. Retention schedules for local

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government are recommendations a municipality may adopt, modify, or ignore, with no state approval or enforcement.

So the decision at the base of the entire system, what is kept and for how long, is made locally, voluntarily, and without external check. With no enforced disposition, keeping a record costs nothing today, while destroying one requires an affirmative, documented judgment that nobody is required to make; the path of least resistance is to keep everything. That is the mechanism behind the largest email estimates the task force has heard, running to millions of messages: not evidence of abuse, but the accumulated cost of a corpus no one was ever required to manage. The opposite failure is equally unsupervised: nothing catches early destruction either. Over-retention manufactures burden; premature destruction erases the record; both come from the same vacancy.

VI. The Help That Works

Restricting access does not deliver the relief agencies asked for. It reduces the number of requests; it does nothing to the induced cost that makes each hard request expensive. And without burden attribution, no one can say what share of any figure a restriction would even reach.

The relief that works addresses the records layer, and it sorts into what can begin now under authority the state already holds and what needs new authority from the Legislature. Both packages, in liftable form:

Administrative, available now:

1. Direct the State Records Administrator to publish a model records-management baseline and use the existing survey power to measure agencies against it.
2. Have the Attorney General publish a standardized IPRA training curriculum for the access function, a voluntary certification, and a common measurement definition: time to production, and extension frequency and duration.
3. Encourage agencies to proactively publish high-demand records and put their request-handling procedure in writing.

Legislative, for 2027:

1. Make the measurement standard mandatory and uniform.
2. Require progress reporting on any Section 14-2-10 extension.
3. Attach a consequence to persistent failure to maintain the records-management program the Act already requires.
4. Name and designate the public access function as a role distinct from records custody, with a qualification and training standard.
5. Extend a records-management floor and external oversight to counties and municipalities — this cannot be done any other way.
6. Establish an independent avenue to resolve IPRA and records-management disputes short of litigation, phased and beginning modestly.

Conclusion

Every force now driving the burden upward (growing email and video volumes, requests increasingly drafted by AI) raises inherent access cost and induced retrieval cost at once, but only the induced share compounds with the disorder of the system. Restricting requesters throttles that growth once; records-management maturity is the only remedy that scales with the growth. That is the question beneath the burden: how much of what agencies report is the cost of access, and how much is the cost of records nobody had to manage? None of it requires new research: the record already shows no measurement standard, no access-function training, and no audited procedure, evidence enough that the induced share is real, and that restricting access will not touch it.

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Statutory and authority anchors:

House Joint Memorial 2 (2026).

Inspection of Public Records Act, Sections 14-2-1 through 14-2-12 NMSA 1978, including the definition of "custodian" at Section 14-2-6, the designation of a custodian and its duties at Section 14-2-7, the extension provision at Section 14-2-10, and the enforcement provision at Section 14-2-12.

The Attorney General's duties at Section 8-5-2 NMSA 1978.

Public Records Act, Sections 14-3-1 et seq. NMSA 1978, including the records-management program at Section 14-3-4, the agency head's duty to maintain a records-management program and the Administrator's continuing-survey duty at Section 14-3-6, the Administrator's inspection-and-survey authority at Section 14-3-7, the joint retention-and-disposition determination at Section 14-3-9, the definition of "records custodian" at Section 14-3-2(I) and the state-government definition of "agency" at Section 14-3-2(B), and the Administrator's advise-and-assist role toward local government at Section 14-3-18.

The records-management personnel hierarchy and basic-training requirement for the designated records custodian, chief records officer, and records liaison officer at 1.13.12.8 through .11 NMAC.

The county destruction-notice requirement at Section 14-1-8 NMSA 1978.

N.M. Att'y Gen. Op. No. 60-181 (county and municipal records outside the Act's "public records" definition), Op. No. 79-26 (county officials not bound by the Act's destruction provisions), and Op. No. 61-36 (a municipality may dispose of records made under its own authority as it sees fit).

State ex rel. Newsome v. Alarid, 90 N.M. 790, 568 P.2d 1236 (1977) (Public Records Act definitions do not govern IPRA).

The State Records Administrator's published local-government records-management guidance.

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August 27, 2026

PUBLIC COMMENT

New Mexico IPRA Task Force

Submitted on Behalf of the Board of County Commissioners for the County of Santa Fe

I. Introduction and Summary of Recommendations

On behalf of the Board of County Commissioners for the County of Santa Fe, I am writing to respectfully submit comments to the New Mexico IPRA Task Force concerning the County's experience implementing the Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2025) ("IPRA"). The purpose of this submission is to inform the Task Force's determination, under House Joint Memorial 2 (2026), whether administrative solutions or legislative amendments should be recommended to the Legislature.

Each year Santa Fe County receives, processes, and responds to thousands of requests to inspect public records. Those requests encompass the full range of County operations: land use permitting files, procurement records, public meeting materials, election records maintained by the County Clerk, and dashboard and lapel camera recordings made by Sheriff's deputies on patrol. Nearly everything the County does is the product of a legal mandate, whether that is the construction and maintenance of public rights of way, the operation of a fire and emergency medical service, or the safe and secure detention of persons charged with criminal offenses. IPRA is no different. So long as the mandate exists, the County will commit the resources necessary to comply with it, and the County does not question the purposes the Act serves.

The County's object in submitting this comment is to describe, from the ground level, three problems that the current framework does not resolve.

First, IPRA does not adequately protect the privacy of private individuals whose homes and personal effects are depicted in law enforcement recordings, and the assumptions in current law about who requests such recordings and how those recordings are used no longer hold.

Second, a substantial and growing portion of requests is submitted by commercial data vendors and by requesters located outside New Mexico, and IPRA obliges County taxpayers to underwrite that activity.

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Third, the New Mexico Supreme Court's recent decision in *Albuquerque Journal v. Board of Education of Albuquerque Public Schools* has left records custodians with a standard for personnel records that cannot be applied consistently, and which will result in severe and lasting reputational and other harms to rank and file public employees.

The County recommends seven amendments, developed in the sections that follow and collected in Section VI:

(1) Authorize redaction of law enforcement recordings depicting the interior of a private residence or the contents of a personal electronic device, subject to carve-outs for officer misconduct and for the consent of the person whose privacy is affected (Section II);

(2) Prohibit requests submitted by persons who are not residents of New Mexico, (Section III). Alternatively, if non-resident requests are allowed, permit public bodies to recover the reasonable cost of responding to requests of non-residents;

(3) Establish an objective threshold and a defined extension for requests requiring review of substantial volumes of records (Section IV);

(4) Authorize public bodies to sequence, rather than deny, large numbers of concurrent requests from a single requester (Section IV);

(5) Add an exception to Section 14-2-1 for personnel investigation records, keyed to whether the investigation resulted in a sustained finding and protecting the identity of persons who report misconduct and participate as witnesses (Section V);

(6) Provide that a public body is not liable in damages where a custodian's determination that information constituting a matter of opinion was objectively reasonable (Section V); and

(7) Impose a reasonable limitations period on claims under IPRA, and require prospective claimants to give notice of their intent to bring claims (Section VI).

The County has sought throughout to identify amendments that address operational problems without reducing the public's access to information about what its government has actually done. Each proposal below preserves access by New Mexico Residents to final actions, to public expenditures, and to allegations of misconduct by public officials and employees.

II. IPRA Does Not Adequately Protect the Privacy of Private Individuals Depicted in Law Enforcement Records.

Only limited categories of information may be redacted from a law enforcement record. Section 14-2-1(D) exempts "portions of law enforcement records as provided in Section 14-2-1.2 NMSA 1978," and Section 14-2-1.2(A) in turn permits a public body to redact or digitally

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obscure eight enumerated categories of nonpublic information. Those categories reach the identifying information of victims and of persons accused but not charged (and then only before charges are filed and only as to enumerated offenses); visual depictions of a dead body, of great bodily harm, and of an individual's intimate body parts; depictions of the notification of a family member's death; confidential sources, methods, and information; and records of physical or mental examination and medical treatment. § 14-2-1.2(A)(1)-(8). Nothing in the section addresses the setting in which a recording was made. A recording of the interior of a private home is therefore public record unless it happens to contain one of the eight categories.

As the use of lapel and dashboard cameras has become standard, requests for recordings have increased, particularly where a requester has reason to believe that a recording will attract a large online audience. That dynamic reached its limit in Santa Fe County in early 2025. Following the deaths of Gene Hackman and Betsy Arakawa Hackman at their home outside Santa Fe, initial indications led the Sheriff's Office to obtain a search warrant for the residence. Deputies executing the warrant wore lapel-mounted cameras, as standard practice requires, and in doing so created an extensive record of the interior of the Hackmans' home. It was later established that no crime had occurred. Over the following year the County received forty-six requests for that footage across its NextRequest portal and the Sheriff's Office. Many in the Santa Fe community questioned how the material could be newsworthy once the causes of death were known. But the County had no discretion in the matter. Apart from limited redactions of depictions of the decedents themselves, IPRA required the County to release recordings of the most private areas of a private residence, and the County did so. The concern is not confined to prominent individuals. Recordings showing ordinary members of the public in moments of injury, distress, or humiliation can now be monetized by any person with an account on a video platform.[1]

Until recently, newspapers and broadcast stations were the only entities capable of disseminating such material widely. When crime victims or their families objected on privacy grounds, those organizations could credibly answer that they exercised editorial judgment and would publish only what they believed the public needed to see. Current law embeds that assumption. Section 14-2-1.2(A)(3) and (4) permit redaction of depictions of a dead body or of great bodily harm, but require release where a law enforcement officer caused or is reasonably alleged or suspected to have caused the death or the harm. Section 14-2-1.2(A)(8) permits redaction of medical information, but not where the information may be relevant to an investigation of misfeasance, malfeasance, or other suspected violation of law by a person elected to or employed by a public body. Those provisions are sensible in a world in which the persons seeking such recordings are professional news organizations weighing the public interest

[1] *See, e.g.,* Law&Crime Network, *9 Craziest New Mexico Police Incidents That Nearly Turned Deadly*, YouTube (July 12, 2025), https://www.youtube.com/watch?v=MQlAcirc28M; Law&Crime Network, *Giddy Woman Laughs with Cops After Murdering Ex-Lover with a Sword*, YouTube (Oct. 10, 2025), https://www.youtube.com/watch?v=z_aZInAa7aI; Police Insider, *What Happens When You Kidnap in a U-Haul*, YouTube (June 20, 2025), https://www.youtube.com/watch?v=6Ne687jmvHc.

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against the dignity of the people depicted. They are considerably harder to justify when the requester is an anonymous channel whose only goal is to make money from YouTube views.

The Legislature has already recognized that not every use of a law enforcement record warrants the same treatment. NMSA 1978, Section 14-2A-1, prohibits the use of police reports to solicit victims of crimes and accidents for commercial purposes. The principle underlying that prohibition, which is that the right of access exists to inform the electorate about the operations of government rather than to allow the commercial exploitation of sensitive information gathered by law enforcement, applies with at least equal force to recordings made inside a person's home.

IPRA could be amended to restrict access to accredited news organizations. The County does not recommend that approach. Any definition of a qualifying requester will be over-inclusive, under-inclusive, or both, and it would require public bodies to decide who counts as a journalist, a judgment they are poorly positioned and ill advised to make. The better line is drawn by reference to the place recorded rather than the identity of the requester. Recordings made inside a private residence, or extracted from a personal electronic device, depict spaces in which the occupant holds a constitutionally protected expectation of privacy, and the government's access to them is ordinarily conditioned on a judicial warrant.[2] The County proposes that IPRA recognize the same interest, and offers the following addition to Subsection A of Section 14-2-1.2:

> (9) visual depiction of the interior of a private residence, or of the contents of a personal electronic device, obtained during the execution of a search warrant or during an entry onto private property, unless: (a) a law enforcement officer, acting in that capacity, caused or is reasonably alleged or suspected to have caused death or great bodily harm, or to have engaged in misconduct, during the entry or search; (b) the depiction is relevant to a pending criminal prosecution arising from the entry or search; or (c) a person having a lawful possessory interest in the residence or device, or the personal representative of such a person, consents in writing to inspection.

This proposal preserves without qualification the public's access to recordings bearing on the conduct of officers, which is the accountability interest that animates the carve-outs already found throughout Section 14-2-1.2. And it leaves the decision to the person whose privacy is at stake. A homeowner who wishes to publicize a search, including one who believes the search was unlawful, may consent to release.

The County raises one related matter on which it proposes no amendment to IPRA. Under Section 14-2-1.2(A)(2), once an individual has been charged with a crime, booking photos are ordinary public records subject to inspection. The County, as operator of an adult detention

[2] *See State v. Crane*, 2014-NMSC-026, ¶¶ 16, 30 (discussing New Mexico constitutional requirement that police obtain a warrant before searching a home or other domicile, where there is a "heightened expectation of privacy"); *Riley v. California*, 573 U.S. 373 (2014) (holding that the Fourth Amendment's warrant requirement applies to searches of a cell phone).

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facility, produces those images on request. Once released, they cannot be recalled: they propagate to aggregation sites that solicit payment for removal and to social media accounts that assemble arrest photographs for audiences with no interest in the disposition of the case. The Legislature has already recognized the harm, entitling a person released without conviction to an order expunging arrest records and barring law enforcement agencies and courts from releasing them. *See* NMSA 1978, § 29-3A-4 (2019). But an expungement order reaches only what remains in government custody. A person who obtains an order of expungement will still find the photograph on social media, with no accompanying information as to the disposition of the charges they faced. The County recognizes that the remedy for this problem lies outside both IPRA and the Task Force's charge under House Joint Memorial 2, because the difficulty is not what a public body must disclose but what happens after disclosure. The County nonetheless asks that the Task Force note the problem in its report and identify it as a subject warranting separate legislative attention. Several states have addressed it without disturbing their public records statutes. California, for example, restricts the posting of booking photographs by law enforcement agencies to social media, requires an agency to remove a photograph it has posted upon request where charges were never filed, the person was acquitted, or the record was sealed or expunged, and separately prohibits commercial websites from conditioning removal of a booking photograph on payment. *See* Cal. Penal Code § 13665. Measures of that kind operate on publication and republication rather than on the right of inspection, leave the fact of the arrest, the charge, and the disposition fully public, and would give practical effect to relief the Legislature has already determined that persons released without conviction should receive.

III. A Substantial Share of Requests Is Submitted for Commercial Resale by Persons Outside New Mexico, and IPRA Requires County Taxpayers to Subsidize That Activity.

A. The requests.

The County regularly receives requests from national data brokers. LexisNexis, which collects public records and resells them to private customers, has submitted twenty-one requests through the County's NextRequest portal and sixty-nine requests directly to the Sheriff's Office. Thirty-three of those were submitted in February 2025 alone. LexisNexis requests fire reports and arrest records almost exclusively, and makes the resulting information available to its customers for insurance underwriting and background investigation. Ohm Analytics has submitted fifty-five requests for solar use permits issued to County residents and businesses, each covering a month of data and together spanning January 2022 to the present. That data is sold to solar energy companies for use in marketing their products.

These are not isolated requesters. Data from NextRequest shows that approximately forty percent of the requests the County receives originate with individuals or organizations located outside New Mexico.

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B. IPRA forecloses both of the ordinary responses.

IPRA prohibits a public body from inquiring into the purpose of a request. § 14-2-8(C). It separately prohibits a public body from charging for the cost of determining whether a record is subject to disclosure. § 14-2-9(C)(6). A custodian may therefore neither distinguish the resale requester from the resident seeking information about County government nor recover any part of the cost of serving the former. Because custodians have finite time, requests submitted for resale displace requests submitted by members of the public. The County does not suggest that the records sought are, or should be, exempt. They are public and they should remain public. The question the County asks the Task Force to consider is who pays to locate and produce them.

The Legislature has already declined to treat the commercial exploitation of public records as an interest equivalent to public oversight. Section 14-2A-1 forbids the use of police reports to solicit victims of crimes and accidents commercially. IPRA's own statement of policy ties the right of access to an informed electorate, declaring the Act's purpose to be ensuring "that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees." § 14-2-5. A vendor assembling a marketing list of solar permit holders is not informing an electorate.

C. A residency distinction is constitutionally permissible.

In *McBurney v. Young*, 569 U.S. 221 (2013), the United States Supreme Court rejected Privileges and Immunities and dormant Commerce Clause challenges to a provision of Virginia's freedom of information act limiting its use to Virginia citizens. The Court recognized a state's interest in ensuring that its public records law serves its own citizens rather than subsidizing out-of-state commercial interests:

> By its own terms, Virginia's FOIA was enacted to "ensur[e] the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted." [The plaintiff] does not allege—and has offered no proof—that the challenged provision of the Virginia FOIA was enacted in order to provide a competitive economic advantage for Virginia citizens. Rather, it seems clear that the distinction that the statute makes between citizens and noncitizens has a distinctly nonprotectionist aim. The state FOIA essentially represents a mechanism by which those who ultimately hold sovereign power (*i.e.,* the citizens of the Commonwealth) may obtain an accounting from the public officials to whom they delegate the exercise of that power. In addition, the provision limiting the use of the state FOIA to Virginia citizens recognizes that Virginia taxpayers foot the bill for the fixed costs underlying recordkeeping in the Commonwealth.

McBurney, 569 U.S. at 228 (citations omitted).

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The County understands that members of the Task Force have discussed amendments that would either bar requests from non-residents outright or permit a public body to shift some or all of the cost of responding to them. The County prefers the first approach, as it would materially reduce the volume of requests. Alternatively, a cost recovery regime would allow public bodies to recover some of the significant costs dedicated to IPRA.

Whichever approach is taken, the Task Force should account for a circumvention problem. The New Mexico Supreme Court has held that IPRA permits an agent to submit a request on behalf of an undisclosed principal. *See San Juan Agricultural Water Users Association v. KNME-TV*, 2011-NMSC-011, ¶¶ 29-36, 150 N.M. 64, 257 P.3d 884. Absent a disclosure requirement, a non-resident could retain a New Mexico resident to submit requests on its behalf for a nominal fee and defeat any effort to curtail requests from out-of-state parties. Any residency provision should therefore require a requester to disclose whether the request is made on another's behalf. The County offers the following language:

> 14-2-8(C): A written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity. A public body may require a person requesting records to state whether the person is a resident of New Mexico and whether the person submits the request on behalf of another person and, if so, whether that other person is a resident of New Mexico. No person requesting records shall be required to state the reason for inspecting the records.
>
> 14-2-9(C)(6): shall not charge a fee for the cost of determining whether any public record is subject to disclosure; provided that a public body may charge a requester who is not a resident of New Mexico, or who submits a request on behalf of a person who is not a resident of New Mexico, the reasonable direct cost of determining whether the requested records are subject to disclosure and of preparing those records for inspection, including, but not limited to, staff time;

This formulation preserves the existing rule for New Mexico residents, who would continue to inspect public records without charge and who need only answer a question about residency and agency. It does not authorize a charge for the act of inspection itself, and it does not permit a public body to inquire into the purpose of any request.

IV. Excessively Broad and Repetitive Requests Cannot Be Accommodated Within the Existing Statutory Timeframes.

The County regularly receives requests seeking every record of a given type over an extended period rather than identified records. These commonly seek law enforcement material, including booking photographs, body-worn camera recordings, and arrest reports, as well as property and permitting records. A related pattern is the submission of many separate requests on a single day, each directed at a different subject.

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In June 2026 the County received ten requests on the same day from a single individual located outside New Mexico. Each referenced a different local newspaper article and sought all "body worn camera footage, dashcam footage, 911 recordings, radio communications, CAD logs, K-9 deployment records, drone footage, arrest reports, and incident reports" associated with the incident reported.

A single request of that scope can consume a substantial share of a custodian's available time. Law enforcement records routinely contain material that must be located and redacted before release, and a failure to do so risks the privacy of victims, witnesses, and juveniles and exposes the County to liability. The burden is greatest for audio and video, which must be reviewed in real time from beginning to end before redactions can be applied. Ten such requests submitted in one day cannot be completed within fifteen days without displacing every other request in the queue.

Section 14-2-10 permits a custodian who determines that a request is excessively burdensome or broad to respond within fifteen days with a written explanation and a reasonable estimate of when the records will be available. In practice the provision supplies no workable standard. It does not define the threshold at which it applies, and the estimate it authorizes is frequently treated by requesters as an invitation to litigate rather than as a response. The County proposes two amendments.

First, Section 14-2-10 should establish an objective threshold and a defined extension. The County suggests language along the following lines, with the numerical thresholds to be set by the Legislature on the basis of data that the County and other public bodies can supply:

> If a written request requires the review of more than [___] individual records or more than [___] hours of audio or video recording, the custodian shall, within fifteen days, notify the requester in writing of the volume of responsive material identified and of the date by which the records will be produced. The custodian shall produce responsive records on a rolling basis as the review of each record is completed.

Second, IPRA should permit a public body to sequence concurrent requests from a single requester. The County does not propose that any request be denied or that any category of record be withheld:

> A public body may adopt a written policy providing that it will process no more than a specified number of requests concurrently from the same requester or from persons acting in concert. A policy adopted pursuant to this subsection shall be published, shall be applied uniformly, shall not result in the denial of any request, and shall provide for the processing of a requester's remaining requests in the order received.

Both proposals preserve every requester's right to every record. They govern the order and the pace of production, which is the only variable a custodian actually controls.

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V. The Task Force Should Recommend Amending Section 14-2-1 to Address the Consequences of *Albuquerque Journal v. Board of Education of Albuquerque Public Schools*.

On May 28, 2026, the New Mexico Supreme Court decided *Albuquerque Journal v. Board of Education of Albuquerque Public Schools*, No. S-1-SC-40671, 2026 WL 1492129 (N.M. May 28, 2026). The decision holds that records in a public employee's personnel file may no longer be withheld as "letters or memoranda that are matters of opinion . . . ." NMSA 1978, § 14-2-1(C) (2025). The Court held that a records custodian must make those records available for public inspection, redacting only statements contained in those records that constitute statements of opinion.

The County does not ask the Task Force to recommend the wholesale restoration of the prior rule, and the County does not quarrel with the result in that case. A $350,000 publicly funded buyout of an agency head is a paradigm of legitimate public interest, and public bodies should not be able to bury such matters by stamping a report as a personnel record. What the County asks the Task Force to recognize is that the broad rule the Court announced cannot be administered consistently by records custodians, and the Legislature, which has never defined "matters of opinion," is the only institution that can supply a workable line.

A. The development of the case law.

Section 14-2-1(C) exempts "letters or memoranda that are matters of opinion in personnel files or students' cumulative files." That language has stood in substantially its present form since 1947 and survived the 1993 recodification unchanged. The Supreme Court first construed it in *State ex rel. Newsome v. Alarid*, 1977-NMSC-076, ¶ 12, 90 N.M. 790, which read the exception to reach "documents concerning disciplinary action and promotions" and identified the legislative purpose as protecting employees from material that "might have no foundation in fact but, if released for public view, could be seriously damaging."

For nearly fifty years, public bodies applied the exception categorically. *Cox v. New Mexico Department of Public Safety*, 2010-NMCA-096, ¶¶ 21-22, 148 N.M. 934, 242 P.3d 501, held that it covers documents "regarding the employer/employee relationship, such as internal evaluations; disciplinary reports or documentation; promotion, demotion, or termination information; or performance assessments," while holding that a citizen complaint about an officer's on-duty conduct is not exempt. *Id.* ¶ 24. *Hall v. City of Carlsbad*, 2023-NMCA-042, ¶ 10, 531 P.3d 642, held that materials related to an internal affairs investigation fall "squarely within this exemption." And *Henry v. Gauman*, 2023-NMCA-078, ¶¶ 13, 20, 536 P.3d 498, *cert. denied*, 2023-NMCERT-010, 547 P.3d 102, squarely rejected the argument that a custodian must separate fact from opinion within a single document, reasoning that the grammatical subject of the exception is "letters or memoranda" and that Section 14-2-9(A) therefore obliges the custodian only to separate exempt documents from nonexempt documents. *Energy Policy Advocates v. Balderas*, 2024-NMCA-081, ¶ 16, 560 P.3d 37, restated that rule.

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In *Albuquerque Journal*, the Supreme Court abrogated this line of case law, holding "the Legislature designated only matters of opinion within a personnel file as exempt from inspection, as opposed to factual matters or other kinds of information within a personnel file, which may be inspected." *Albuquerque Journal v. Board of Education of Albuquerque Public Schools*, No. S-1-SC-40671, 2026 WL 1492129 (N.M. May 28, 2026), slip op. ¶ 22. Extending *Jones v. City of Albuquerque Police Department*, 2020-NMSC-013, ¶ 39, 470 P.3d 252, the Court held that records in personnel files "containing both exempt and nonexempt information cannot be withheld in toto," and that Section 14-2-9(A) requires custodians to "review the requested records, separate information that is a matter of opinion from that which is not, and provide the nonopinion information for inspection." *Id.* ¶ 28. It abrogated *Henry* and *Energy Policy Advocates* expressly, *id.* ¶ 28 n.7, and held that to the extent *Newsome* and *Cox* had identified categories of presumptively exempt personnel records, those categories "have proven unreliable, if not downright misleading" and "should no longer be followed." *Id.* ¶ 22 n.4.

Two features of the Court's decision deserve emphasis. First, the Court did not hold that personnel investigations are categorically outside the exception. It abrogated categorical reasoning in both directions and remanded for the district court to determine, following review *in camera*, whether the report at issue contains matters of opinion at all. *Id.* ¶ 24. Second, and more consequentially for the County and other public bodies trying to comply with the law, the Court did not furnish a workable definition of "matters of opinion." It observed that the Legislature has not done so, *id.* ¶ 23, and assembled guidance as to the possible meaning of that phrase from federal securities decisions distinguishing "soft information" that is "not objectively verifiable" from "hard information" consisting of "statements concerning objectively verifiable historical facts," and from the law of defamation. *Id.* (citing *Lane v. Page*, 649 F. Supp. 2d 1256, 1272 (D.N.M. 2009); *Kushner v. Beverly Enterprises*, 317 F.3d 820, 830-31 (8th Cir. 2003); *Young v. Wilham*, 2017-NMCA-087, ¶ 22, 406 P.3d 988). The Court then declined to apply that framework itself, remanding to the district court instead with instructions that it consider "any other criteria the district court deems relevant." *Id.* ¶ 24.

B. <u>The line between fact and opinion cannot be drawn consistently, and least of all by non-lawyer records custodians working under a fifteen-day deadline.</u>

Setting aside the policy concerns that inform the exception, the lack of any workable definition makes it difficult for the County to treat requests consistently. This is a recipe for dissatisfaction and litigation that the task force should address in its recommendations.

The distinction between fact and opinion is among the least stable in the law. The United States Supreme Court has rejected the premise that the two can be cleanly separated, holding that expressions of opinion "may often imply an assertion of objective fact." *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 18 (1990). Elsewhere, the Court has observed that a statement of opinion necessarily asserts embedded facts about the speaker's beliefs. *See Omnicare, Inc. v. Laborers District Council Construction Industry Pension Fund*, 575 U.S. 175, 192-193 (2015) (holding that an issuer could not avoid liability for making misleading statements of fact in violation of Section 11 of the Securities Act of 1933 by prefacing statements of fact with phrases like "we believe" or "we think"). New Mexico evidence law reflects the same understanding:

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under Rule 11-701 NMRA, lay opinion testimony is admissible precisely because a witness cannot testify in unmixed fact, and the ordinary shorthand rendition of observed events is fact and opinion at once.

The material commonly contained within records related to personnel investigations frequently lies in the nebulous middle between statements of fact and statements of opinion, because such records frequently consist of witness statements regarding what they believe to be true. "The employee clocked in at 9:47 a.m." is a fact. "The employee was habitually late" is a statement of opinion that necessarily implies the same (or similar) fact. "The complainant stated that the supervisor shouted at her" is a fact about an assertion. "The investigator found the complainant credible" is an opinion, but "the investigator found the complainant's account consistent with the timekeeping records" carries the same freight in the guise of a fact. Whether any of these is a "matter of opinion" is a question on which two competent lawyers may differ, and the answer usually turns on the surrounding context.

The Supreme Court's own handling of the Padilla Report in *Albuquerque Journal* underscores the problem. The Court had the twelve-page report before it in camera, with briefing from experienced counsel and four amici, and it nonetheless declined to decide "whether the Padilla Report contains matters of opinion in the first instance," remanding to the district court and inviting reliance on unspecified additional criteria. *Albuquerque Journal*, ¶ 24. The Court also emphasized that in camera judicial review is the mechanism best suited to these determinations. *Id.* ¶ 17.

The problem is that unlike the Supreme Court, the County's records custodian does not have the authority to request an advisory opinion from a district court judge when it is unclear whether a statement within a personnel record is a matter of opinion. Indeed, IPRA requires the custodian to permit inspection or issue a written denial within fifteen days. *See* §§ 14-2-8(D), -11(B). In Santa Fe County, as in most counties, the individuals who perform that work are clerks and administrative staff rather than attorneys, and the request volume described in Sections III and IV of this comment makes attorney review of every personnel record economically impossible. As a result, the custodian must now apply, unaided and against a statutory deadline, a standard that the Supreme Court itself declined to apply even though it had the benefit of a complete record and full briefing on the issues.

The consequences of error are asymmetric, and they push in one direction only. If its custodian withholds too much, the County faces penalties under Section 14-2-11(C) and damages, costs, and attorney fees under Section 14-2-12(D). If the custodian releases too much, the employee is harmed irreparably, but the County incurs no corresponding exposure under IPRA. A custodian responding rationally to that asymmetry will err against redacting statements of opinion. The practical effect of the decision will therefore be broader than its holding: the "matters of opinion" exception to inspection will be under-applied, not because the Legislature or the Court narrowed it, but because no one can apply it consistently, and the cost of guessing wrong runs only one way.

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C. Releasing statements of fact from personnel files exposes public employees who are not public figures to reputational harm that IPRA no longer mitigates.

One structural feature of IPRA makes this problem the Legislature's to solve rather than the courts'. In *Republican Party of New Mexico v. New Mexico Taxation & Revenue Department*, 2012-NMSC-026, ¶¶ 15-16, 283 P.3d 853, the Supreme Court abolished the judicially created rule of reason, which had allowed courts to weigh the public interest in disclosure against countervailing privacy interests. A court may now withhold a record only under an enumerated exception, a statute, a regulation, or a privilege adopted by the Supreme Court or grounded in the constitution. New Mexico thus has no residual privacy balancing test, and it has no analogue to the federal exemptions for personnel files and law enforcement records whose disclosure "would constitute a clearly unwarranted invasion of personal privacy." *See* 5 U.S.C. § 552(b)(6), (b)(7)(C). Whatever protection public employees are to have must come from the text of an exception. If the Legislature does not supply it, no court can.

The harm falls most heavily where the public interest is weakest. *Newsome* identified the purpose of Section 14-2-1(C) as protecting employees from material that "might have no foundation in fact but, if released for public view, could be seriously damaging," 1977-NMSC-076, ¶ 12, and *Albuquerque Journal* expressly reaffirmed that purpose as "the touchstone" for the exception. *See Albuquerque Journal v. Board of Education of Albuquerque Public Schools*, No. S-1-SC-40671, 2026 WL 1492129 (N.M. May 28, 2026), slip op. ¶ 22. The remedy the Court adopted, however, inverts that purpose. Consider a complaint that the County investigates and does not sustain. The factual narrative of the allegation, including what the complainant said, who was interviewed, and what was reviewed, is likely subject to disclosure. The investigator's conclusion that the allegation was unfounded is a matter of opinion and likely to be redacted. The accusation becomes public; the exoneration does not.

The employees affected are, with rare exception, not public figures. They are detention officers, road crews, community service workers, dispatchers, and clerical staff. They lack the platform that a public school superintendent has to answer a public account of allegations against them, and they have no defamation remedy, because an accurate recitation of what a complainant alleged is not actionable. The Supreme Court has previously recognized that the privacy of a disciplinary proceeding may warrant nondisclosure even of the names of the employees involved. *See State ex rel. Barber v. McCotter*, 1987-NMSC-046, 106 N.M. 1. No one can claim that those privacy interests are any less important, especially after social media has made it possible for anyone to distribute these allegations to hundreds or thousands of people.

Aggregation and social media compound the injury. As Sections III and IV of this comment describe, and as the Task Force's own materials document, a substantial and growing share of records requests are made by commercial data brokers and individuals seeking to monetize the publication of salacious information on social media. An unsustained allegation against a public employee is no longer a document in a file drawer. It becomes an indexed, searchable, and resold record that is practically impossible to remove from the internet. It can be republished across social media and viewed by hundreds or thousands of people. The County notes the corresponding consequence for recruitment and retention: local governments compete

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for a limited workforce, and a regime in which any complaint becomes public irrespective of its merit is a material disadvantage relative to private employers and the federal government.

D. Releasing the factual content of internal reports exposes employees who report misconduct to retaliation and will suppress reporting.

The second harm runs to the people the County most needs to hear from. Under *Cox*, a complaint concerning an employee's on-duty conduct is not exempt from public inspection. 2010-NMCA-096, ¶ 24. Under *Albuquerque Journal*, the factual content of an internal report is likewise subject to inspection. The combined effect is that the subject of an internal complaint may submit an IPRA request and receive the factual account of the complaint made against him.

Redacting the reporter's name does not solve this. Section 14-2-1.1 permits redaction of enumerated protected personal identifiers, but the identifying force of an internal complaint lies in its content rather than in the name: who was present, what was said, on which shift, in which office, on which date. Even assuming the names of complaining employees may be redacted, the subject of the complaint will readily infer the complainant's identity from the factual information set out in the complaint. IPRA thus requires the County to enable retaliation against complainants and whistleblowers.

New Mexico law elsewhere recognizes the State's legitimate interest in keeping complaints confidential. The Whistleblower Protection Act, NMSA 1978, §§ 10-16C-1 to -6 (2010), creates a cause of action for retaliation. But after *Albuquerque Journal*, the County is under a legal duty to furnish information about whistleblowers to would-be retaliators. Reporting obligations elsewhere in New Mexico law, from child abuse reporting under NMSA 1978, Section 32A-4-3, to the harassment and discrimination complaint procedures every public employer maintains, all presuppose that a report will not be handed to its subject. Labor law reflects the same premise. In the private sector, the National Labor Relations Board has long held that an employer need not furnish witness statements even to a union processing a grievance, precisely because disclosure invites intimidation of witnesses, *Anheuser-Busch, Inc.*, 237 NLRB 982, 984-85 (1978), and the Supreme Court has recognized that the duty to furnish information yields to legitimate confidentiality interests, *Detroit Edison Co. v. NLRB*, 440 U.S. 301, 318-20 (1979). The National Labor Relations Act does not reach New Mexico's political subdivisions, *see* 29 U.S.C. § 152(2), and the County's labor relations are governed instead by the Public Employee Bargaining Act, NMSA 1978, §§ 10-7E-1 to -26 (2003, as amended). The point is not that federal labor law controls. It is that the confidentiality of investigative witness statements is a settled premise of employment law generally, and that IPRA is now an outlier.

If employees understand that their complaints may be produced to the persons they report, they will not make them, or will make them so guardedly that they cannot be investigated. The misconduct is then neither detected nor documented, and no public record of it is ever created for anyone to request. A rule justified by the public's right to know will, in this application, reduce what the public is able to learn about the operations of government.

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E. Recommended amendments.

The County does not ask the Task Force to recommend restoring whole-document withholding under *Henry v. Gauman*. That approach arguably permitted the abuse the Supreme Court identified, because a public body could shield an entire record on the strength of "trace matters of opinion." *Albuquerque Journal*, ¶ 32. The County asks instead that the Legislature draw the line the Court found missing from the statute, and that it draw the line around the interest that actually warrants protection. The County offers the following language, which would be added to Section 14-2-1, for the Task Force's consideration:

O. personnel investigation records, as follows:

(1) as used in this subsection, "personnel investigation record" means a record created by or at the direction of a public body for the purpose of determining whether an employee of that public body violated a term or condition of employment, a policy of the public body or a provision of law;

(2) a personnel investigation record is not subject to inspection in its entirety if the investigation has not been concluded or did not result in a finding that a violation occurred;

(3) if the investigation resulted in a finding that a violation occurred, the personnel investigation record shall be made available for inspection, except that the public body shall redact matters of opinion and the information described in Paragraph (4) of this subsection;

(4) in any personnel investigation record made available for inspection, a public body shall redact the identity of a person who reported the suspected violation or who participated in the investigation as a witness, and may redact information that would tend to identify such a person; and

(5) nothing in this subsection exempts from inspection a final disciplinary action, non-privileged information relied upon by a public body in deciding to enter a settlement or separation agreement, information concerning the compensation of a public employee, or a law enforcement record governed by Section 14-2-1.2 NMSA 1978.

These amendments ensure disclosure is tied to the outcome of the investigation rather than to the fact-or-opinion character of individual sentences, which is the classification no custodian can perform reliably. The public's interest is in what its government did, and a sustained finding of misconduct is the point at which that interest attaches; there is less public

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interest in disclosure of allegations the government examined and rejected. To the extent there is a public interest in the government's handling of complaints that it found to lack merit, that interest can be served by the complainant, who can choose to release information about their allegations to the public or news media. Second, the proposal makes redaction of a reporter's or witness's identity mandatory, because a discretionary protection is one on which no employee can rely, while leaving the public body discretion as to contextual information that merely tends to identify. Third, it states its carve-outs expressly, so that the proposal cannot be mistaken for an effort to conceal settlements, separation payments, salaries, or law enforcement records. The County notes that the report at issue in *Albuquerque Journal* would not have been shielded by this language.

The County separately proposes a safe harbor, which is severable from the foregoing and which the County urges the Task Force to recommend even if it declines to recommend a substantive amendment:

> A public body shall not be subject to a penalty under Subsection C of Section 14-2-11 NMSA 1978, and a court shall not award damages under Subsection D of Section 14-2-12 NMSA 1978, on account of the withholding or redaction of information pursuant to Subsection C of Section 14-2-1 NMSA 1978, where the custodian's determination that the information constituted a matter of opinion was objectively reasonable; provided that nothing in this subsection limits the authority of a court to order the production of the information or to award costs and attorney fees to a successful requester.

The safe harbor does not restrict public access to anything. A requester who prevails still obtains the record, the costs of obtaining it, and attorney fees. It provides only that a public body is not assessed damages for failing to resolve correctly, in fifteen days and without judicial assistance, a question the Supreme Court has declined to resolve. It allocates the risk of an admittedly indeterminate standard away from the party that did not create it.

VI. Require requesters to give notice of a claimed violation and intent to bring suit

It is generally understood that the four-year catch all statute of limitations applies to an action seeking to enforce IPRA. *See* NMSA 1978, § 37-1-4 (1880). This is an outlier when it comes to causes of action against the government; the limitations periods for claims under the Tort Claims Act and Civil Rights Act are both shorter. *See* NMSA 1978, §§ 41-4-15 (1977) (Tort Claims Act claims must be brought within two years of accrual), 41-4A-7 (2021) (Civil Rights Act claims must be brought within three years of accrual). In addition, the Tort Claims Act and Civil Rights Act require prospective claimants to give notice of their claim and intent to sue to the public body. *See* §§ 41-4-16 (1977) (requiring that a claimant give notice of their claim to a public body within ninety days after an occurrence giving rise to a claim), 41-4A-13 (2021) (requiring notice within one year after an occurrence).

The policy arguments that are marshalled in support of shortened limitations periods for claims against government entities in the tort and civil rights context apply with equal or greater

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force to claims seeking enforcement under IPRA. Those rationales are familiar to the Task Force: a public body must be able to investigate a claim while the relevant evidence remains available, correct conduct complained of before it recurs, reserve funds and obtain coverage against an exposure that is known and reasonably bounded, and eventually close its files and order its affairs. Each of those interests is implicated more acutely by a stale IPRA claim than by a stale tort claim.

First, the evidence that is relevant to an IPRA claim is uniquely perishable, and much of it may be destroyed lawfully long before the expiration of the four-year statute of limitations. Whether a public body has violated IPRA turns on what was requested, what search was undertaken, which employees and departments were consulted, what was produced and when, and what justification was given for any withholding or redaction. That record consists largely of electronic mail, search logs, and internal correspondence, all of which are subject to retention schedules promulgated under the Public Records Act that permit destruction well within four years. A public body may therefore be called upon to defend its compliance with IPRA afer it has disposed, in full accordance with law, of the very documents that would establish that compliance. It is also frequently the case that records custodians and other employees involved in a search no longer work for a public body when a claim is finally made.

Second, an IPRA claimant is on notice of the alleged violation immediately. Unlike a tort claimant, whose injury may be latent, or a civil rights claimant, who may not initially appreciate the constitutional dimension of the conduct complained of, a requester knows the date of the request, the statutory deadline for a response, and the inspection (if any) that was permitted. Unlike the Tort Claims Act or Civil Rights Act, there is no countervailing concern about discovery and accrual supporting a longer statute of limitations.

Third, IPRA imposes no notice-of-claim requirement analogous to Sections 41-4-16 and 41-4A-13. A public body that has responded to a request and heard nothing further has no occasion to suspect that litigation is contemplated, no trigger to preserve materials outside its ordinary retention schedules, and no basis on which to reserve against the exposure.

Fourth, exposure under IPRA is not fixed at the moment of the occurrence. Statutory damages accrue for each day of noncompliance, and an award of costs and reasonable attorney fees is mandatory for a successful claimant. *See* §§ 14-2-11(C), -12(D). A limitations period twice the length of that governing tort claims permits an unasserted claim to compound into a liability that the public body cannot anticipate, cannot budget for within the annual appropriation cycle, and cannot present accurately to its risk pool or insurer for actuarial pricing.

Finally, the four-year period is difficult to reconcile with IPRA's own architecture. The Act obligates a custodian to permit inspection immediately or as soon as practicable, to explain within three business days if inspection is not permitted, and to complete production within fifteen days. See § 14-2-8(D). Those deadlines reflect a legislative judgment that access delayed is access denied. A four-year enforcement window is discordant with that judgment and serves no requester's interest in obtaining records while they remain useful.

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Given these considerations, the County respectfully asks the Task Force to recommend that the Legislature adopt a notice requirement for IPRA claims, as well as a statute of limitations period that is no longer than the limitations period that applies to claims under the Tort Claims Act and Civil Rights Act.

VII. Summary of Recommended Amendments

For the reasons set out above, Santa Fe County respectfully requests that the Task Force recommend the following amendments to IPRA:

1. *Protect private spaces depicted in law enforcement recordings.* Amend Section 14-2-1.2(A) to permit redaction of visual depictions of the interior of a private residence and of the contents of a personal electronic device, subject to carve-outs for officer misconduct, for relevance to a pending prosecution, and for the written consent of the person affected. *See* Section II.

2. *Forbid non-resident requests or provide cost recovery.* Amend Sections 14-2-8(C) and 14-2-9(C)(6) to either prohibit requests for inspection by non-residents, or in the alternative permit recovery of the reasonable direct cost of responding to requests. *See* Section III.

3. *Mitigate the burdens of high-volume requests.* Amend Section 14-2-10 to establish an objective volume threshold, to require written notice of the volume identified and the date of production, and to require rolling production as review is completed. *See* Section IV.

4. *Permit sequencing of concurrent requests.* Amend Section 14-2-10 to permit a public body to adopt a published, uniformly applied policy limiting the number of requests it processes concurrently from a single requester, without denying any request. *See* Section IV.

5. *Impose reasonable limitations on the disclosure of personnel investigation records.* Amend Section 14-2-1 to add an exception for personnel investigation records, keyed to whether the investigation resulted in a sustained finding, requiring redaction of the identity of persons who report misconduct or serve as witnesses, and expressly preserving access to final disciplinary actions, settlement and separation agreements, compensation information, and law enforcement records. *See* Section V.

6. *Create a good-faith safe harbor.* Amend Sections 14-2-11 and 14-2-12 to provide that a public body is not subject to penalties or damages where a custodian's determination that information constituted a matter of opinion under Section 14-2-1(C) was objectively reasonable, while preserving the requester's right to the record, costs, and attorney fees. *See* Section V.

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7. *Statute of limitations*. Adopt a reasonable statute of limitations and require prospective IPRA claims to give notice of their intent to bring a claim.

The County notes that Recommendations 3, 4, and 6 address the administration of IPRA without restricting the public's access to any record, and that Recommendations 1, 2, and 5 preserve access to all information bearing on the conduct of public officials and employees.

VIII. Conclusion

The recommendations set out above would preserve the fundamental purpose of the Inspection of Public Records Act, improve the efficiency of its administration, reduce unnecessary demands on public resources, and better protect the privacy interests of New Mexicans who have no voice in the process by which their records are released.

The County thanks the Task Force for its consideration and for the extensive public input it has solicited and considered.

Respectfully submitted,



Walker Boyd
Santa Fe County Attorney

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To: NM DOJ IPRA Taskforce

From: Los Alamos County

Date: September 10, 2026

RE: IPRA Data and Information – Comments for Submission

Inspection of Public Records Act (IPRA) Request Workload and Costs

Overview

Los Alamos County is committed to maintaining a transparent and responsive local government. The Inspection of Public Records Act (IPRA) supports this transparency, but it also creates challenges in balancing:

- Open access to public information
- Protection of citizen privacy
- Efficient operations and delivery of service

Responding to IPRA requests is a core responsibility for County staff and elected officials. We take seriously our duty to provide information to residents, media, researchers, and others.

The following types of requests may be challenging , including those that:

- Require disclosure of information that previously would have been protected under the "Rule of Reason"
- Treat County utility customers differently from private-sector utility customers
- Are not collected by the requestor after preparation, sometimes taking multiple days, hours, months to complete
- Are constructed in ways that make fulfillment impossible without collaboration from the requestor

Recommendations for Improving IPRA

To preserve transparency while reducing unnecessary burdens, Los Alamos County recommends the Taskforce consider the following changes:

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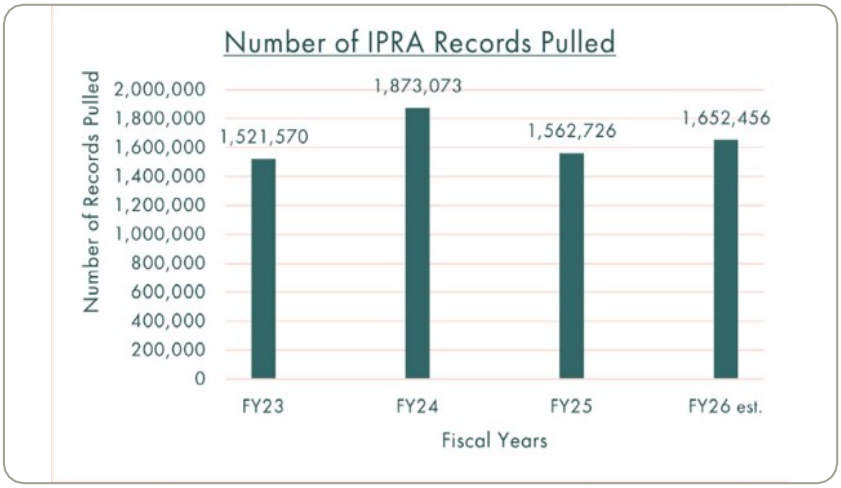
- Request a meeting between requestor and agency when a request is deemed impossible to fulfill
- Create a fund to help agencies purchase software that improves response efficiency
- Allow agencies to bill requestors who fail to collect prepared records (with appropriate exceptions)
- Create a protected privacy class for public utility customers
- Limit access to certain materials while under investigation (e.g., full accident or crime reports/videos) to directly involved parties outside of formal discovery processes until investigation is completed
- Consider limiting access to video records, which require extensive review and redaction

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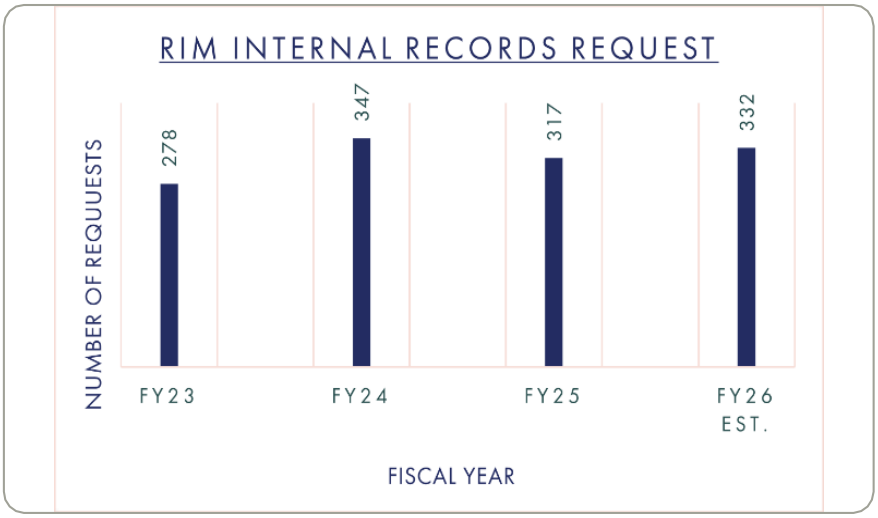
Requests, Records, and Hours to Respond

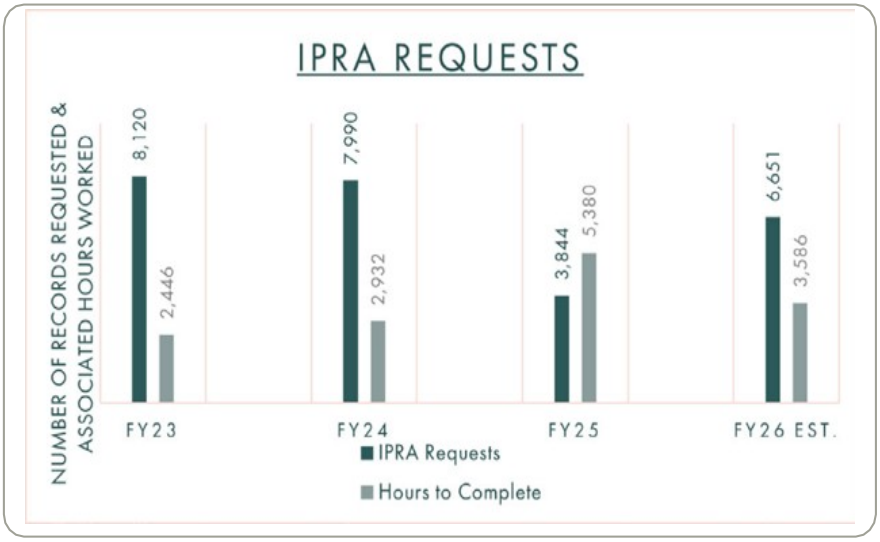
DEPARTMENT SUMMARIES | ADMINISTRATIVE SERVICES | INFORMATION MANAGEMENT

Records and Information Management Division - RECORDS REQUEST INFORMATION



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Financial Costs of IPRA Compliance

Los Alamos County's IPRA-related costs reflect a combination of staff time, software investments, and contracted services. Current staffing includes:

- Six full-time employees (Records & Information Management + Police Department Records Staff)
- Additional support time from the County Attorney's Office ~ 30%
- These costs do **not** include partial contributions from other staff or elected officials for additional departmental support time in responding to IPRA requests (not measured at this time but impacts every Department)

GRAND TOTALS	Subtotal	NMGRT	Total
Digital WarRoom	$238,000	$9,6000	$247,600
LPS	$664,000	$47,000	$711,000
CDS-Relativity One	$3,250,000	$250,000	$3,500,000
Salaries and Benefits	$732,000		$732,000
	$4,884,000	**$306,600**	**$5,190,600**

*Digital WarRoom: Records request (IPRA) digital workflow software

**LPS: Contracted Personnel for IPRA response

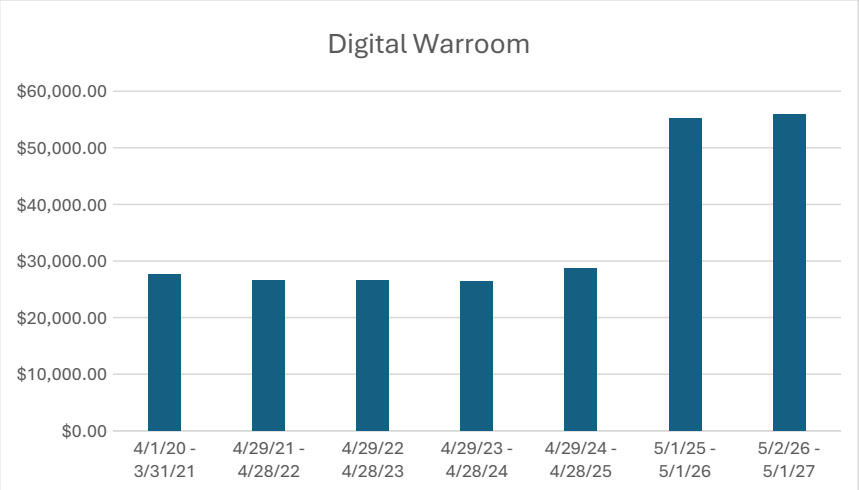
***CDS: eDiscovery Workflow Software. Currently in implementation phase

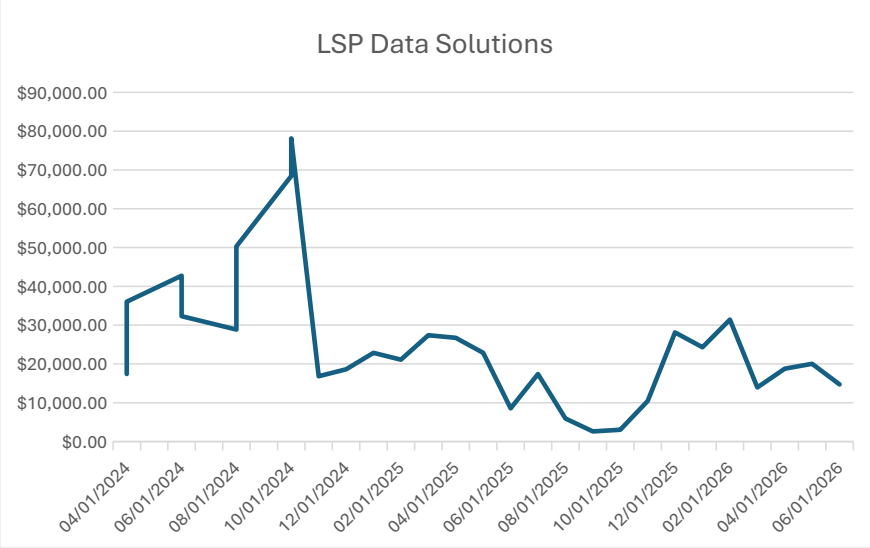
****Salaries and Benefits: Only measuring RIM, PD, and 30% of Attorneys in this table

Cost Trends Over Time

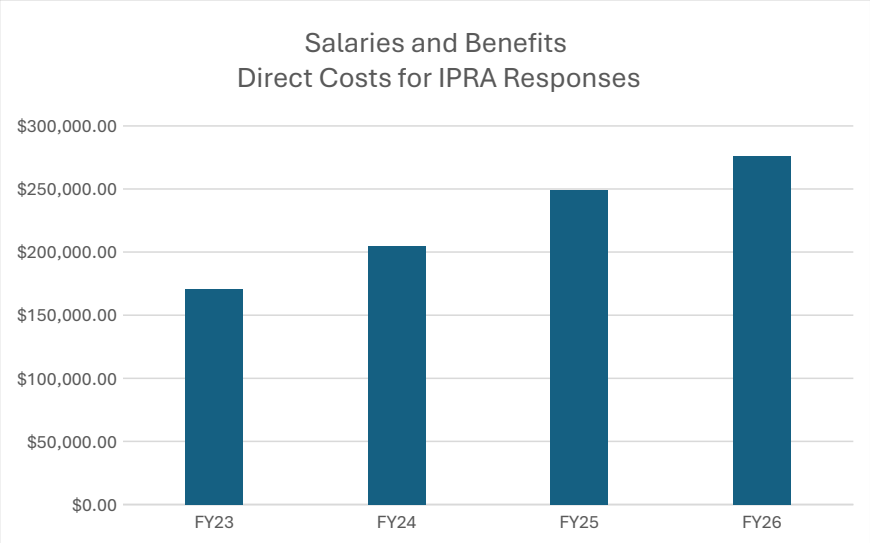
Multiple charts provided in the original document illustrate cost volatility across software services, contracted personnel, and operational expenses. These demonstrate increasing long-term costs associated with digital record management, cybersecurity requirements, and higher request volumes.

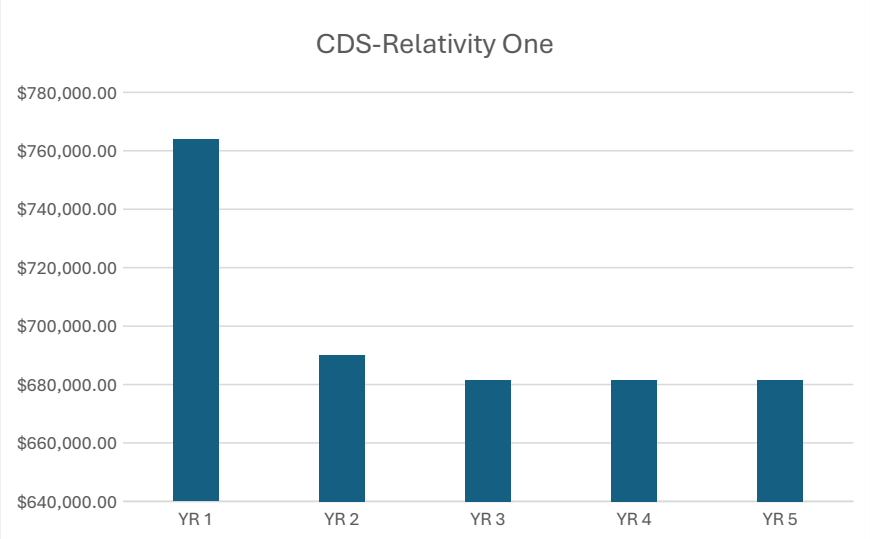
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Sierra County Sheriff's Office
2501 South Broadway Street
Truth or Consequences, N.M. 87901
Sheriff Joshua Baker
(575) 894-9150 Phone (575) 894-7935 Fax

September 23, 2026

To: IPRA Task Force Members
c/o Rebecca Dow, New Mexico House of Representatives, District 38

Dear Task Force Members:

Although I was unable to attend the task force's public meetings, I respectfully offer the following observations based on 25 years as custodian of public records for the Sierra County Sheriff's Office. My experience suggests that several targeted amendments to the Inspection of Public Records Act (IPRA) would improve transparency while reducing unnecessary burdens on public bodies, particularly small rural law-enforcement agencies.

Electronic records are not cost-free to produce, and their production can impose substantial costs that are not adequately addressed by the current fee structure. Although IPRA permits a public body to charge for the actual cost of storage media and transmission, it should expressly authorize recovery of the actual and reasonable costs associated with downloading, transferring, organizing, duplicating, securely transmitting, and, when necessary, reviewing and redacting large electronic files. These expenses can be significant when requests involve body-camera footage, photographs, audio recordings, surveillance video, emails, text messages, databases, or other electronically stored information, sometimes requiring substantial storage capacity, specialized software, and hundreds of hours of technical processing. The law should allow public bodies to recover these production costs—without charging for the time spent determining whether a record is subject to disclosure—so that taxpayers do not bear the full cost of fulfilling extensive requests. Fees should reflect the actual cost of production and should not be used to discourage legitimate requests.

New Mexico should preserve meaningful public access to government records. The public has a legitimate right to know how its government operates, how public officials perform their duties, and how taxpayer resources are used. At the same time, IPRA should be administered in a manner that advances New Mexico's public policy rather than allowing limited state and local resources to be consumed by indiscriminate requests originating anywhere in the world.

The present interpretation of IPRA permits any person, corporation, partnership, firm, association, or other entity—regardless of residence or connection to New Mexico—to request records from a New Mexico public body. The Attorney General's compliance guidance states that a request may not be denied solely because the requester lives in another county, state, or country. Although this interpretation may follow the current statutory language, it raises an important policy question: Does unrestricted worldwide access best serve IPRA's stated purpose of supporting an informed New Mexico electorate?

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Before 1993, IPRA referred to the right of "every citizen of this state" to inspect public records. In 1993, the Legislature replaced "citizen" with "person" and broadly defined that term to include individuals and various business entities. The Legislature should clarify the purpose of that change. Was it intended to ensure that residents, businesses, news organizations, and representatives could obtain records, or was it intended to grant unrestricted access to every person and entity worldwide?

The task force should consider whether IPRA should distinguish among:

1. New Mexico residents and qualified electors;
2. New Mexico businesses and entities with a substantial presence in the state;
3. Nonresidents with a direct and legitimate connection to the requested records; and
4. Requesters with no identifiable connection to New Mexico or the records sought.

A narrowly tailored connection requirement would not eliminate legitimate access. For example, an out-of-state person involved in a New Mexico accident, a victim or witness, an attorney representing such a person, or an insurer handling a New Mexico claim could establish a lawful connection to the requested record. The goal should not be to shield government from scrutiny. The goal should be to ensure that the state's limited public resources are directed toward requests serving a legitimate public, personal, legal, or governmental purpose.

If the Legislature does not impose a residency or connection requirement, it should at least consider safeguards for unusually broad, repetitive, automated, or clearly burdensome requests. These safeguards could include reasonable limits on duplicative requests, clearer standards for requests involving large volumes of records, and authority to consolidate substantially similar requests.

Law-enforcement records also require stronger and more consistent privacy protections. In a small rural community, identifying a victim or witness may require only a name, date of birth, address, employer, vehicle description, or other seemingly minor detail. Disclosure of that information can expose victims and witnesses to harassment, intimidation, retaliation, jury tampering, or interference with an ongoing investigation. Some individuals decline to report crimes because they fear that their identities will later appear in public records or the local newspaper.

IPRA should provide clearer protection for:

- Victims and witnesses in all pending investigations;
- Juveniles;
- Unnamed or confidential informants;

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- Individuals who report crimes or emergencies;
- Addresses, telephone numbers, employers, and other identifying details that could reveal a protected person's identity;
- Records whose release could compromise an active investigation or pending prosecution; and
- Information that could facilitate witness intimidation, retaliation, or jury tampering.

The current treatment of personal identifying information also creates uncertainty. IPRA permits redaction of certain information, but law-enforcement agencies must also comply with other federal and state confidentiality laws, including laws governing driver's-license and motor-vehicle records. Because county attorneys may reach different conclusions regarding the interaction between IPRA and those laws, the statute should expressly state that information protected by federal or state motor-vehicle privacy laws must be withheld or redacted to the extent required by those laws.

This clarification is especially important because law-enforcement officers routinely access motor-vehicle information for legitimate governmental purposes, including the preparation of reports and compliance with required crime-reporting systems. A custodian should not have to choose between competing interpretations of IPRA and other privacy statutes when the Legislature can provide a clear rule.

IPRA should also address intentionally fraudulent request information. Our office has received multiple requests that appear to have been generated by automated systems, bots, or artificial intelligence, and that contain information we cannot verify. Automation itself should not make a request invalid; however, a public body should not be required to devote substantial resources to requests submitted with deliberately false names, addresses, or telephone numbers.

Because IPRA requires a written requester to provide that identifying and contact information, the statute should establish a clear consequence for knowingly submitting materially false information. A requester who intentionally provides a fictitious identity, false address, or nonworking telephone number to obtain records, evade accountability, impersonate another person or organization, or burden a public body should be subject to appropriate civil penalties, denial or suspension of the affected request, and referral for criminal investigation when the conduct constitutes fraud, identity theft, impersonation, harassment, or another criminal offense.

The law should not penalize a requester merely because a request is submitted electronically, with assistance from artificial intelligence, through a representative, or from outside New Mexico. The violation should be the knowing and material falsification of required information—not the use of technology or the requester's location.

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I respectfully recommend that the task force consider the following amendments:

1. Clarify whether IPRA is intended to provide unrestricted worldwide access or primarily to serve New Mexico's residents, electorate, and legitimate governmental interests.
2. Establish a residency, New Mexico connection, or legitimate-record-related-purpose requirement, while preserving access for victims, witnesses, attorneys, insurers, journalists, researchers, and others with a lawful connection to the state or records.
3. Create safeguards against automated, repetitive, duplicative, or excessively burdensome requests.
4. Expand and clarify protections for victims, witnesses, juveniles, informants, and individuals involved in active investigations.
5. Expressly incorporate applicable federal and state motor-vehicle privacy protections into IPRA.
6. Provide custodians with uniform statewide standards for redaction and withholding of protected law-enforcement information.
7. Protect custodians who act in good faith and in accordance with written statutory guidance.
8. Amend IPRA to establish a clear, uniform fee schedule for electronic records. The schedule should permit recovery of the actual and reasonable costs of storage media, data transfer, secure electronic transmission, file conversion, duplication, and other necessary production expenses, while prohibiting fees for merely determining whether records are subject to disclosure.
9. The Legislature should consider creating a narrowly defined offense for knowingly and intentionally submitting materially false identifying or contact information in an IPRA request when the purpose is to obtain records under a false identity, impersonate another person or entity, evade legal accountability, harass a public body or individual, or cause a public body to expend substantial resources responding to fraudulent requests. The offense should require proof of intent and should not apply to typographical errors, good-faith mistakes, legitimate representatives, or requests submitted with technological assistance.

   For example: *"False information in request. A person shall not knowingly and intentionally provide a materially false name, address, or telephone number in a written request made pursuant to the Inspection of Public Records Act for the purpose of obtaining records through deception, impersonating another person or entity, evading accountability, harassing a public body or individual, or causing a public body to incur substantial unnecessary costs. A violation may result in denial or suspension of the request, a civil*

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penalty, and referral for criminal prosecution when the conduct violates another provision of law."

The purpose of these recommendations is not to weaken government transparency. It is to make IPRA more precise, workable, and consistent with the realities faced by public bodies in 2026. Transparency is essential to representative government, but so are public safety, witness cooperation, victim protection, responsible use of taxpayer resources, and consistent application of the law.

After 25 years administering IPRA, I believe the Legislature can preserve the public's right to know while preventing a system designed for New Mexico's electorate from becoming an unlimited, worldwide records-retrieval service at the expense of New Mexico taxpayers.

Thank you for considering these observations.

Respectfully,

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This letter was condensed with the use of AI technology and the author verified the output.

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